of such bank and of its principal stockholders that such capital will within three years be increased to $25,000. If any such undertakings have not been fulfilled within three years, the Federal Reserve Board may forbid such bank to enjoy any of the privileges of this act, and may require it to withdraw forthwith from membership in the Federal reserve system."

SEC. 9. That section 13 of the Federal reserve act, as amended, is hereby further amended by striking out the proviso at the end of the second paragraph of said section and inserting in lieu thereof the following:

"Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which are drawn to finance the domestic shipment of nonperishable, readily marketable staple agricultural products and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided, however,* That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further,* That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof."

SEC. 10. That section 13 of the Federal reserve act, as amended, is hereby further amended by striking out the fourth paragraph thereof and inserting in lieu thereof the following:

"Any Federal reserve bank may discount acceptances of the kinds hereinafter described, which have a maturity at the time of discount of not more than 90 days' sight, exclusive of days of grace, and which are indorsed by at least one member bank: *Provided,* That such acceptances if drawn for an agricultural purpose and secured at the time of acceptance by warehouse receipts or other such document conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight, exclusive of days of grace."

SEC. 11. That the Federal reserve act, as amended, be further amended by adding at the end of section 13 a new section, to be numbered section 13a, and to read as follows:

"SEC. 13a. Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon live stock, and have a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months: *Provided, however,* That notes, drafts, and bills of exchange with maturities in excess of six months shall not be eligible as a basis for the issuance of Federal reserve notes unless secured by warehouse receipts or other such negotiable documents conveying or securing title to readily marketable staple agricultural products or by chattel mortgage upon live stock which is being fattened for market.

"That any Federal reserve bank may rediscount such notes, drafts, and bills for any Federal land bank, except that no Federal reserve bank shall rediscount for a Federal land bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with section 9 of the Federal reserve act.

"Notes, drafts, or bills of exchange issued or drawn by cooperating marketing associations composed of producers of agricultural products shall be deemed to have been issued or drawn for an agricultural purpose, within the meaning of this section, if the proceeds thereof have been or are to be advanced by such association to any members thereof for an agricultural purpose, or have been or are to be used by such association in making payments to any members thereof on account of agricultural products delivered by such members to the association, or if such proceeds have been or are to be used by such association to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members: *Provided, however,* That the express enumeration in this paragraph of certain classes of paper of cooperative marketing associations as eligible for rediscount shall not be construed as rendering ineligible any other class of paper of such associations which is now eligible for rediscount.

"The Federal Reserve Board may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes, drafts, acceptances, or bills having a maturity in excess of three months, but not exceeding six months, exclusive of days of grace, which may be discounted by such bank, and the amount of notes, drafts, bills, or acceptances having a maturity in excess of six months, but not exceeding nine months, which may be discounted by such bank."

The amendments were agreed to.

The VICE PRESIDENT. Action on the committee amendments has been completed.

Mr. LENROOT. That leaves the bill open for amendment at any point.

Mr. McKELLAR. I offer an amendment which I ask the Secretary to read, and then I ask that it may be pending for action on Monday.

The VICE PRESIDENT. The Secretary will read the amendment.

The ASSISTANT SECRETARY. On page 18, after line 22, insert a new section, as follows:

SEC. 12. That section 13 of the Federal reserve act as amended be further amended by adding, after the words "being eligible for discount" and before the words "but such definition shall not include," the following words: "and the notes, drafts, and bills of exchange of factors making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount."

Mr. CURTIS. I understand the Senator from Tennessee wishes to discuss the amendment. So I move that the Senate adjourn, the adjournment being under the agreement until to-morrow at 11 o'clock.

Mr. HARRISON. Will the Senator withhold that motion for a moment?

Mr. CURTIS. Certainly.

Mr. HARRISON. Is it the intention that to-morrow we shall take an adjournment until 12 o'clock on Monday?

Mr. CURTIS. The Senator from Washington [Mr. JONES] agreed the other day that on Sunday an adjournment should be taken until Monday, so that we would have a morning hour on Monday, and that agreement will be carried out.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas that the Senate adjourn.

The motion was agreed to; and the Senate (at 3 o'clock and 50 minutes p. m.) adjourned, the adjournment being under the previous order until to-morrow, Sunday, January 28, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 27, 1923.*

The House met at 12 o'clock noon.

Monsignor Thomas, St. Patrick's Church, Washington, D. C., offered the following prayer:

Cease not, O Lord, to protect us. Every day brings new problems; every day begets new difficulties. Without Thy light and strength we are weak and we grope in darkness.

The results of our deliberations and the enactments we frame are laden with intense importance for the people we represent. And we beg Thee so earnestly to aid us powerfully in our labors and direct them into ways which are right and just.

We pray Thee especially for this day's needs and requirements that all proceed smoothly; that harmony reign and good will prevail.

Grant us counsel, fortitude, perseverance; in the end to rejoice in the accomplishment of good, the formulating of just measures, and fulfillment of Thy will and attainment of peace, progress, uprightness, and honesty of life, for Thy glory and the welfare of this Republic.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of judicial decisions.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the subject of judicial decisions. Is there objection?

Mr. STAFFORD. The gentleman's own remarks?

Mr. FREAR. Yes.

The SPEAKER. The Chair hears no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. FREAR. Mr. Speaker, in his extension of remarks of December 28 the able Member from Missouri [Mr. HAWES] briefly discussed the right to judicial reviews of legislative enactments. His suggestion that discussion of the subject is helpful reflects a general opinion of any important proposal, and the subject of a limitation to "judge-made laws" has also been urged by eminent authority.

A famous individual termed "John Doe" once figured conspicuously in legal lore and pleadings. The present case of Doe, as I understand it, is a protest against alleged reactionary men, parties, and policies and alleged reactionary judges, courts, or decisions. Any brief in support of Doe's contention might properly reach into volumes and should cover thoroughly different phases of the court's alleged usurpation and problems involved through judge-made laws. I leave that task to others who make such allegations and have the time and desire to prepare a case of that character.

The views I desire to express are without suggestion from anyone and I do not assume to speak for or represent others. Demands in past days for impeachment, or sensational or extreme statements are not quoted. The cause relates entirely to judicial regulation of the legislative branch of the Government and is impersonal.

In the brief time available I shall offer a few words for those who find fault more especially with a court decision that by five judges to four first set aside the income tax law passed by Congress. Thereafter when Congress and the country after long delay and arduous effort secured the sixteenth amendment

wherewith to overrule the court's previous decision rendered by one overbalancing judge, the court again by another five to four decision set at naught the constitutional amendment by emasculating its purpose, so far as stock dividends were concerned. To use the language in that case of a dissenting opinion by Judge Holmes, one of the ablest judges in the country, in which Justice Day concurred:

The known purpose of this amendment was to get rid of nice questions as to what might be direct taxes and I can not doubt that most people not lawyers would suppose when they voted for it that they put the question like the present at rest. I am of the opinion that the amendment justifies the tax.

Again I submit further judicial criticism of this decision thus in effect setting aside a constitutional amendment when, in the language of Justice Brandeis and Justice Clark, in the same case we have their judicial opinions as follows:

If stock dividends representing profits are held exempt from taxation under the sixteenth amendment, the owners of the most successful businesses in America will be able to escape taxation on a large part of what is actually their income. So far as their profits are represented by stock received as dividends they will pay these taxes not upon their income but only upon the income of their income. That such a result was intended by the people of the United States when adopting the sixteenth amendment is inconceivable. Our sole duty is to ascertain their intent as therein expressed.

A suggestion of some respect due Congress is voiced when the dissenting opinion further says:

It is but a decent respect due the wisdom, the integrity, and the patriotism of the legislative body by which any law is passed to presume in favor of its validity until the violation of the Constitution is proved beyond all reasonable doubt.

From that dissenting decision of recent date—Eisner *v.* Macomber, 252 U. S.—it is proper to infer, based on high judicial authority, five members of the court refused to accept the will of the people as expressed in the sixteenth amendment and had no decent respect for the wisdom, the integrity, nor the patriotism of the American Congress. These are not my words, but four eminent members of the highest court in the land give voice to that effect, yet are outvoted by one judge.

OTHER JUDGES NOW DENY THE INFALLIBILITY OF THE COURT.

Courts and judges at the outset seek for authority, precedents, and other data before coming to any important decision. To that end I am submitting a few notes bearing on this question and on judge-made laws in general.

A very able and distinguished justice of the Wisconsin Supreme Court, Judge Eschweiler, without drawing any conclusions, contributed a thoughtful article in the December, 1922, number of the Marquette Law Review on the "veto power of the judiciary." Because of his eminently high standing and the careful analysis made, I quote the United States Supreme Court's position a century and a quarter ago when the Constitution was adopted. He says:

John Jay, who rendered distinguished services in securing the adoption of the Federal Constitution and as a diplomat in the perilous and delicate task of negotiating with England the treaty bearing his name, refused to accept a renewed appointment as Chief Justice of the United States Supreme Court, because he felt that court could not obtain the essential energy, weight, and dignity nor acquire the public confidence and respect which it should possess. Alexander Hamilton, the master intellect of the formative period of this Government, in speaking of the judiciary as one of the branches of governmental power, said that it "is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks." Montesquieu, the French publicist, whose then recent work had a profound influence upon those who framed our Constitution, in dwelling on the English constitution of his day and the three sorts of power—legislative, executive, and judiciary—in such a democratic form of government, said that of such three "the judiciary is in some measure next to nothing."

HOW FAST THE SAME COURT HAS GROWN.

The growth of power of the same court in overturning acts of Congress is evidenced from conclusions and comparisons set forth by Judge Eschweiler in the same article briefly, as follows:

The (former) puny congressional football (the Supreme Court) now says to Congress that she (the court) may lawfully * * * set aside and hold for naught as unreasonable intrastate railroad rates duly declared reasonable by similar administrative bodies in the several States; yet says that the same body, Congress, in an attempted exercise of the identical constitutional provision may not regulate the subject matter of child labor by legislation as to the interstate shipments of the products of such labor. Again, it tells Congress that it can not constitutionally prescribe penalties for excessive expenditures in primary elections for United States Senators, although it had just held that a witness before a grand jury could not question the legality of this identical and void law. It speaks, and the statute of Arizona regulating judicial procedure in Arizona and denying to its own courts the right to issue preliminary injunctions, under certain conditions, in labor disputes involving a secondary boycott, is wiped off the statute book. It says in the State of Ohio, a sovereign in its own sphere and containing more inhabitants within its boundaries than were within the entire United States when the Supreme Court began to function, that it may not embody in its own constitution a provision permitting the submission by referendum to its own people for approval or disapproval the action of its own legislature in adopting the eighteenth amendment to the United States Constitution, but that under the identical Ohio constitutional referendum provision the people may vote and reject, if they so will, an act of the legislature redistricting the State for the purpose of electing Representatives to Congress. The people of the State of Washington are told by the same court, after the exercise by them of the right granted by their own constitution to pass laws by the initiative, that their law so passed forbidding employment agencies charging workmen for obtaining positions was a violation of the fourteenth amendment to the United States Constitution and therefore void.

The growth of the court's jurisdiction and power, whether called usurpation or unexpressed rights under the Constitution, affords ample grounds for controversy, but my inquiry goes rather to present problems that are developing and to restrictions, if any, proper for Congress to urge through constitutional amendment to more clearly indicate limitations of the court's jurisdiction as originally intended by the framers over a century ago.

FROM ANOTHER JUDGE OF ANOTHER COURT.

From an address by Justice John Ford, of the New York Supreme Court, on January 18 of this year, I quote on this same point when he said:

Take the so-called legal-tender cases decided in 1870 and involving the constitutionality of the act of Congress making paper currency legal tender in payment of debts. First the law was declared unconstitutional by the Supreme Court, five judges so voting against three favoring the constitutionality of the legal tender act. That decision would have been calamitous to the Nation, then struggling to keep its feet under the staggering financial burdens imposed by the Civil War. Consciousness of this probably influenced some of the justices, for shortly afterwards the same act was declared constitutional by a vote of five to four. (Legal Tender Cases, 79 U. S. 457; Repburn *v.* Griswald, 8 Wall. 606.)

Other cases are cited by Judge Ford and Judge Eschweiler in their remarkable discussions occurring within the past 60 days, but these are quoted to indicate the scope of any study or decision on the subject of judge-made laws.

ANOTHER JUDGE ON JUDICIAL INFALLIBILITY.

Chief Justice Walter Clark, of North Carolina, in "Infallible government by the odd man"—American Law Review—is another high judicial authority that fearlessly discusses the abject helplessness of the American Congress when its carefully framed legislative act is arbitrarily set aside by one controlling justice. He says:

The power to set aside or nullify an act of Congress or a State legislature is a purely political power and is so recognized by the constitutions which give the veto to the Executive. It comes under no definition or conception of the judicial power which is to judge between the parties in controversy. Neither the Government nor the State is a party to these proceedings, in which its supremest power—that of enacting laws—is nullified. As claimed and exercised by the courts it is the absolute autocratic power, because it is irreviewable. Those whose interest it is to have such power over the legislature and Executive assert it for their own ends. The wonder is that it has ever been acquiesced in at all under a free form of government.

In addition to the estimates of these judges of high courts that the existing policy of enunciating judge-made law is unwarranted and indefensible under our free form of government, I offer additional authority and arguments that have the merit of high official sanction, whatever their influence on the case may be. Other writers and authorities may also be referred to by those who desire to study the right of the judiciary to set aside legislative enactment and also proposed methods of curtailing such power. Among these are Gilbert E. Roe, author of a strong and thorough analysis on "Our judicial oligarchy," Jackson H. Ralston in "Judicial control over legislatures as to constitutional questions"; William L. Ransom in "Majority rule and the judiciary"; J. Allen Smith in The Spirit of American Government—page 92; Brooks Adams in "Theory of social revolutions"; W. F. Dodd in Political Science Quarterly, volume 28, No. 1; Dean William Trickett in American Law Review, volume 41, page 650, and many others, including Judge Wannamaker, of Ohio—Illinois State Bar Year Book, 1912—whose crisp statement is quoted without comment wherein he says, referring to the court:

The exercise of this unwarranted and usurped governmental power against the public interest, against the public health, safety, and life, has done more than any other single thing to arouse the popular hostile feeling toward of courts of last resort.

My purpose is to describe briefly a situation unknown to any other government and that, in the words of Jefferson, eventually may threaten the existence of the present coordinate branches of our Government. To this end a few familiar arguments are offered with a tentative judicial limitation proposal for your consideration.

In a work on the Judicial Veto, a writer, after much research, says that among those who signed or took active part in making the Constitution, 16 members were against judicial control, while 11 were in favor.

With this comparison the same writer in analyzing reasons given by Gouverneur Morris, who it is stated wrote the Constitution at the direction of the makers, concludes:

Is it not the legitimate inference that the power of judicial control was neither overlooked nor attempted to be slipped in by indirect or ambiguous phrases but that it was intentionally omitted?

THE FIRST STEP AND ITS RECEPTION.

The Constitution drafted September 17, 1787, was not tested by the judiciary until Judge Marshall, in Marbury *v.* Madison, in 1803, threw down the gauntlet to President Jefferson by holding that the court was authorized under the Constitution to determine if a law passed by Congress was in conflict with that instrument.

It is said by some writers that Marshall "got the jump" on Jefferson by that first opinion rendered 16 years after the Constitution was signed. However that may be, Jefferson expressed his opinion of the court, over a century ago, in these unmistakable words:

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundation of our confederated fabric. They are construing our Constitution from a coordination of a general and special Government to a general and supreme one alone. Having found that impeachment is an impracticable thing, a mere scarecrow, they consider themselves secure for life; an opinion is huddled up in conclave, perhaps by a majority of one, delivered as unanimous and with the silent acquiescence of lazy and timid associates, by a crafty Chief Justice who sophisticates the law to his own mind by the turn of his own reasoning.

Again he said of the same court:

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the judiciary—the irresponsible body working like gravity by day and by night, gaining a little to-day and gaining a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

THE WHITE HOUSE THEN; THE JAIL NOW.

That fearless estimate, written by Jefferson, the lawyer and writer of the immortal Declaration of Independence and an honored President, would have landed him in jail instead of the White House if penned in the year 1923.

Even John Randolph, one of the ablest of the old Romans, drew an amendment to the Constitution in those early days which read:

The judges of the Supreme Court and all other courts of the United States shall be removed by the President on the joint address of both Houses of Congress.

Under existing nomenclature, Jefferson would be styled a radical and a red, while Randolph would be a type of soviet and bolshevist that needed close watching by the Department of Justice.

Old Hickory Jackson was a soldier President.

In his message of July 10, 1832, returning to the Senate without his approval the act incorporating the Bank of the United States, he says:

The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

WARNING ADVICE FROM HIGH JUDICIAL AUTHORITY.

Mr. Justice Chase announced the early doctrine of the court when he said in Hylton against United States:

If the court have such power, I am free to declare I will never exercise it but in a very clear case.

Mr. Justice Miller, before the "seeming law" estimate was announced, said of the court's duty in One hundredth United States Legal Tender cases:

When this court is called on in the course of the administration of the law to consider whether an act of Congress or any other department of the Government is within the constitutional authority of that department *a due respect* for the coordinate branch of the Government requires that we shall decide it has transcended its powers *only when it is so plain we can not avoid the duty.*

I have italicized words that indicate when due respect or disrespect may be determined according to opinions found in Supreme Court decisions.

Justice Waite, afterwards Chief Justice, said in Ninety-ninth United States, page 718:

Every possible presumption is in favor of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government can not encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutatory rule.

Justice Harlan, in the New York Bakeries case (198 U. S. 68), announced a safe doctrine, and said:

If there be doubt as to the validity of the statute that doubt must therefore be resolved in favor of its validity and the courts must keep their hands off, leaving the legislature to meet the responsibilities of unwise legislation.

A comparison of two expressions from two Chief Justices a century apart will disclose the progress of the court in its alleged usurpation of constitutional rights of Congress.

THE MODERATION OF MARSHALL—THE THUNDERING TONES OF TAFT.

We have our conception of Marshall, the militant, defiant so-called "judicial usurper," shattered by his own voice. Those who listen for hurled defiance in response to fierce thrusts of Jefferson will find nothing in words or inference to warrant by the following from Chief Justice Marshall in Fletcher *v.* Peck (6 Cranch, 87–128):

The question whether a law be void for its repugnancy to the Constitution is at all times a question of much delicacy, *which ought seldom if ever* to be decided in the affirmative in a doubtful case. It is not in slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers and its acts to be considered void.

The italicized words are mine. "Seldom if ever," said Marshall.

A century thereafter, in 1922, we find the once all-powerful legislative branch of this Government now dwarfed to the position of a suppliant for legislative license constantly waiting, hat in hand, in the anteroom of the court for its seal of approval. The loss of prestige and power of the American Congress and growth of imperial authority by the once mild-mannered court is best expressed by a lusty challenge of Justice Taft, chief for life. In the late case of Bailey *v.* Drexel Furniture Co. (May 15, 1922), he declares:

It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce *seeming laws of Congress* dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States. We can not avoid the duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good.

Again the italicized words are mine.

THE COURT "DECLINES TO RECOGNIZE SEEMING LAWS OF CONGRESS."

Chief Justice Taft delivering the above opinion that "seeming laws" of Congress are "not to be recognized" by the court, in the same opinion sought to distinguish the case of Veazie Bank *v.* Fenno (8 Wallace, 533) relating to increased taxation of circulatory notes of persons and State banks reaching 900 per cent increase, affirming the law, in which that court says:

The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts but to the people by whom its Members are elected.

This decision Chief Justice Taft distinguishes because the child labor law enacted by Congress taxing the same rate on interstate traffic of child-labor goods he says is only a "seeming law of Congress." From that decision Justice Clark dissented. Without a child-labor amendment like the fifteenth amendment, which affects the color of skin, or a sixteenth amendment relating to the income tax, Congress can not pass any legislation relating to child labor by taxation or otherwise, because that would be "seeming law" which the Supreme Court in the words of Judge Taft will "not recognize."

From 1803, when the Marbury case was decided, down to 1851, or for 48 years, or 64 years after the signing of the Constitution, the court did not declare any act of Congress unconstitutional, and on that second occasion only to determine a matter of jurisdiction of district courts (13 How. 40).

THE THIRD COURT REVERSAL WAS ITSELF REVERSED BY WAR.

The third and "undermining" case occurred in 1857, or 70 years thereafter, when the court rendered a decision (Dred Scott, 19 How. 393) that was reversed by the people of the United States through a war lasting three and one-half years and the loss of many hundreds of thousands of lives.

A concise estimate of the Dred Scott decision is found in these words:

The candid citizen must confess that if the policy of government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal.

The words above quoted are found in the inaugural address delivered by President Abraham Lincoln, whose independence first placed him in Congress and later in the White House instead of jail, although he fought the Mexican War openly on

this floor and afterwards led the hosts that reversed the Dred Scott decision in the field of final decision.

The modern twentieth century standards of muffled criticism in both peace and war had not yet grown popular. Men then frankly spoke their minds without thought of the press or patronage, grown powerful to-day.

WHEN THE COURT ASSUMES ABSOLUTISM, WHAT FOLLOWS?

I call attention to the recent Macomber stock-dividend decision (252 U. S.) under the income tax constitutional amendment. The court did not venture again to declare the law unconstitutional, but another 5-to-4 decision emasculated the income tax law by exempting stock dividends, so that, in a vigorous dissenting opinion by four justices, Brandeis, Clark, Day, and Holmes, the latter said, as heretofore quoted:

> The known purpose of this amendment (income tax) was to get rid of nice questions as to what might be direct taxes, and I can not doubt that most people not lawyers would suppose when they voted for it that they put the question like the present (stock dividend) at rest. I am of the opinion that the amendment justifies the (stock dividend) tax.

The stock dividend emasculating decision furnishes a good text for further discussion.

What a spectacle is presented to the country when the Supreme Court practically twice decided the income tax law by Congress unconstitutional, first by a vote of 5 to 4, and when after infinite labor the country had reversed the court by the income tax amendment, the same Supreme Court, again by a vote of 5 to 4, emasculated the law, according to the above judicial opinion held by four able members of the court.

Pursuant to the income tax amendment, the American Congress had accepted the people's mandate and passed an income tax law fixing the rate of taxes on incomes. Passed by the House and Senate and signed by the President, this law was fought tenaciously by big business interests and then finally emasculated by the Supreme Court, as stated in one of its teeter-totter 5-to-4 decisions.

The decision of less than three years ago was a cause for jubilation to owners of great wealth generally, and because of that decision upward of $2,000,000,000 in stock dividends, recently declared, have escaped individual taxation. Under existing law on that amount there would have been paid in surtaxes, possibly, a half billion dollars into the National Treasury, unless the tax was otherwise evaded. How did the Supreme Court come to subvert the purpose of a constitutional amendment? How could one man, who cast the deciding vote, thus without constitutional authority set aside the people's will?

FAMILIAR CONSTITUTIONAL PROVISIONS WITH A NEW READING.

The powers of the Supreme Court are defined in three short sections of Article III, and I submit in passing that in no place in the Constitution is it suggested that any court is empowered to set aside any act of Congress.

Article I of the Constitution contains nine sections describing the powers and functions of the House and Senate. The legislative branch of Government in 1787 was considered to be of primary importance, judging from its first place and powers granted by that document.

Article II, relating to the Executive, consists of four sections and precedes the judiciary provision. Nowhere in either Articles I, II, or III does it appear that the Supreme Court is empowered, directly or indirectly, to set aside or even interfere with the authority conferred in Articles I and II when these governmental agencies combine to enact law, nor, in fact, is power anywhere given to trespass upon that authority.

Article VI expressly declares—

> The Constitution and the laws of the United States * * * shall be the supreme law of the land; and the judges in every State shall be bound thereby. * * *

Modern interpretation seeks to read into our Constitution that the Supreme Court at Washington is granted jurisdiction wherever the instrument is silent or fails to anticipate the new order.

Article III, providing for the Supreme Court, does not give any license for the appointment of judges, but does provide they shall hold office "during good behavior." Their nomination is conferred on the President under section 2 of Article II, and significantly these old forefathers of ours provided further that the power to "nominate" such judges could only be exercised by and with the "consent of the Senate."

If any restriction is to be found it occurs in Article III, section 2, as follows:

> The Supreme Court shall have appellant jurisdiction both as to law and fact with such exceptions and under such regulations as the Congress shall make.

Congress was given express power to regulate the court's jurisdiction which the court with fine irony has transposed to read:

> Congress may make seeming laws under regulations and limitations to be determined by any five members of the Supreme Court.

A FAMILIAR RULE OF BOTH FACT AND LAW.

To any questioning of its jurisdiction the court points to a familiar rule of law voiced by the culprit improperly lodged in jail, "Well, I'm here, ain't I." This well-surrounded precedent under existing practice is the only jurisdictional plea Congress is privileged to make according to such high and exalted authority as the court itself.

The story of claimed usurpation of power, heretofore briefly referred to, is familiar, and when we read a pronouncement by the Supreme Court setting aside some law passed by Congress after months of study and debate by the two Houses or when amendments to the Constitution after ratification by three-fourths of the States are emasculated we are prone to ask by what power is a man taken from the Halls of Congress or from private life, given superhuman intelligence or infallible judgment when placed in the courtroom? Possibly a hundred fairly able lawyers in Congress may differ in their judgment, but the novitiate justice becomes ipso facto omniscient when he takes his seat. Thereafter he assumes to pass upon and hold nugatory the "seeming laws" enacted by Congress, and the country must wait in suspense to learn when a law is not a law, to be determined by this novitiate.

JUDGES ARE CHOSEN, HOW?

Who now are chosen to be members of the court and how and why? The Constitution subordinates such nominations and confirmations to action by the Executive and the Senate. At what stage of the proceedings thereafter does transformation of the individual and his right to unwritten constitutional usurpation begin, and in this inquiry I yield to no man in my high respect for the court or its judges.

The Executive nominates a lawyer from the House or Senate, for illustration, to sit in the court for his natural life. He may be what is popularly known as a State or Federal "lame duck," repudiated by his constituents, or a live, active duck; but by one sweep of the pen the Executive nominates a man for the bench, whatever his qualification or fitness, whose voice in a five to four court decision may exceed the collective power of 435 Representatives of the people added to 96 Senators, of which body he may have been a single Member. Again, this one new justice without constitutional authority, therefore, becomes by the pen's sweep greater than the Executive who created him or, by way of familiar illustration, greater than the 100,000,000 people who by constitutional amendment sought to tax incomes irrespective of tax-free securities or of nontaxable stock dividends. One justice thus turned the decision in the Macomber case that exempted $2,000,000,000 in stock dividends during the last six months from taxation against the expressed will of the people, according to four judges. By what right did he do so?

Do we need to carry the illustration further, reaching men appointed to the court whose whole career ordinarily has been in an atmosphere of corporate power unknown and impossible to have been anticipated by framers of the Constitution?

No one questions the untrammelled right to make such appointments, but it serves to illustrate how one Executive may in four years name a majority of the court whose training, environment, and decisions for a generation to come will affect and control changing conditions of government.

Press announcements and magazines say we are about to adopt the English system of high court appointments. That the Chief Justice, through the Executive, will recommend such appointments. No English court can set aside a law of Parliament. Here the court assumes that right and 300 State and Federal labor laws have been so set aside by the various courts. In an English monarchy from which we declared our independence the people rule through a parliament that may be summarily recalled. Here the court justices selected for life finally determine the law and the Chief Justice is now to select his associates and thus rule supreme.

A SEEMING CANDIDACY.

Let us suppose, for illustration and in an impersonal way, that the people, from whom all power comes, in their supreme judgment decide that an Executive is not fitted to direct the affairs of the country. Without offense, then assume he is overwhelmingly defeated, repudiated for reelection at the polls, receiving only 8 electoral votes out of 531 for its highest office. Whether the rejection occurred through lack of confidence in his past record, his policies, temperament, surrounding influences, or for other reasons unnecessary to discuss, the repudiation by the country stands. The verdict is overwhelming.

Thereafter assume that this same ex-official is placed by a successor in the position of Chief Justice for life.

What answer can be offered to the proposition that, after the highest officer in the land, the maker of justices and chief justices, has been overwhelmingly recalled by the people, a succeeding President may appoint this same recalled Executive to the highest court for life, without recall or any review of decisions? I speak of this possibility impersonally. If protests against such an anomaly are heard, then what may be offered against corporation, railway, or other attorneys, however able, who receive similar life appointments and are thus empowered to set aside State and Federal laws without any recall or review?

THE ONLY GOVERNMENT WITH JUDICIAL GUARDIANS.

It is unnecessary to add this is the only great Government in the world where such unlimited power is reposed in any man or group of men not subject to recall or review. The transcendent importance to powerful interests of such appointments to the highest court may well be understood when matters of taxation, trusts, or other litigation are subject to final decision without review. Where recommendations for appointment or protests are secretly made, no public knowledge exists of methods employed in making nominations, but such interests would naturally strenuously urge or oppose particular candidates for judge before the nomination, and the Executive may easily be misled in such nominations under present practices. Once named, confirmation ordinarily results, and a life tenure follows without possibility of recall or review.

It is not clear to the average layman who makes up over 95 per cent of our people just why a railway lawyer or specializing attorney should be preferred for the highest judicial post in the land when 48 chief justices of the 48 States and hundreds of other able judges are available material from which to choose. In fact, thousands of judges of inferior courts throughout the land may furnish available material over a man of close corporate affiliations who has never sat on any bench. Nor does this question the ability of any Executive's choice, but no greater surprise would follow the appointment to the court of a governor recently defeated for reelection by several hundred thousand votes, although such nomination was rumored in the press for a recent Supreme Court vacancy.

CANDIDATES CONSIDERED FOR COURT APPOINTMENTS.

In this connection, the possible present and past of court membership is not without interest. On January 2, 1923, the press announced that next March a conspicuous Cabinet officer will resign. The Tea Pot Dome lease to a Standard Oil subsidiary and extreme readiness to part with other Government resources have brought forth utterances in legislative halls for many months urging such resignation, so it was a distinct surprise to learn from the same authority that the resigning official had been offered a judgeship on the United States Supreme Court bench, and also that the overwhelmingly defeated governor of New York had declined that same honor. Even the past is not devoid of interest. Standard Oil's 5-to-4 stock-dividends decision heretofore referred to was won by a present Cabinet officer during an interim, whose previous position as a justice on that same bench gave him unsurpassed prestige when later addressing the same court of which he had once been a part. Hair-splitting distinctions were rejected by Marshall, who said, "Seldom if ever" should the court so act.

The "seeming laws" on income taxes passed by Congress and approved by the people were set aside or emasculated by two different 5-to-4 "seeming opinions" of the court.

Is it such knowledge on the part of big business interests that brings constant threats from them of repeal or emasculation by the court of regularly enacted laws affecting such interests? Some testimony of such belief is available. No one need question the integrity of the court individually or collectively or that its decisions are based on the untrammeled judgment of its members. In like manner it may fairly be assumed that however high minded its members are human, and due to a lifelong training may be subject to conscious or unconscious influences not conducive to the development of a judicial temperament. If they are not human with strong political opinions and prejudices then why should the court be kept politically balanced?

OTHER JUDGES WHO ARE RESPONSIBLE TO THE PEOPLE.

The American people are not governed by any fetish in their appraisement of the fallibility of judges of the State courts of last resort. Many of these judges would grace any court in the land, yet the States did not follow the Federal Constitution of life tenure, but provided that all judges from the lowest to the highest courts should submit their candidacies to the people. Instead of adopting the same fundamentally democratic practice by having Federal judges stand for elections on their records or making such judges subject to recall or their decisions subject to a referendum, I submit we have gone far afield from the original purpose of government when we abandon our legislative duties and prerogatives to a court that declares State and Federal laws unconstitutional and neither originally nor thereafter submits itself or its record to the people as all State courts are compelled to do at stated times at the polls.

I have no criticism to bring against any judge or Executive, past, present, or prospective, and speak impersonally of practices rather than of men. We are confronted with the proposition that the Supreme Court judge who is to decide questions involving hundreds of millions of dollars or of human rights of untold value and who assumes to override constitutionally provided methods of enacting law, by his decisions receives his certificate of life tenure from the Executive. It may be based on friendship or other influences. One man now makes a grant to the other of unlimited power which he does not possess for himself. What of the source of power that appoints?

AN ESTIMATE OF THE SOURCE OF ALL POWER TO-DAY.

A few days ago—December 9—a press report of a public address contained an estimate of the source of executive power expressed by the mayor of New York. Mayor Hylan was elected and reelected overwhelmingly by the metropolis and is supposed to speak with some authority and some knowledge of the financial interests of New York with which he has been brought into contact, presumably through his position. In his public address of about a month ago Mr. Hylan said:

A small group of excessively wealthy individuals control both the major political parties and through the exercise of powerful, sinister, and too often unlawful influence have become dictators of the destinies of more than 110,000,000 people. They have dictated nominations for the Presidency, written the platforms and party pledges, and because of their campaign fund contributions have arrogated the right to dictate governmental policies.

No stronger indictment has ever been offered of both parties and of their policies, nor do I unreservedly subscribe to that belief. But from the days of Bryce's disclosures of American hidden political agencies over 20 years ago down to the present time evidence of the growth and activities of invisible government centered in New York City has been cumulative.

Major La Guardia, Congressman-elect, Republican, New York, who resigned from the House five years ago to assume command of aviation during the war in the Italian sector, was afterwards elected president of the board of aldermen of New York City—a position in importance far beyond the lieutenant governorship of many States. La Guardia says:

Judge Ford's strictures on the judiciary express the sentiment of people generally in every walk of life. The invisible government controls public affairs more effectively now than ever before because it works secretly and owns a great many avenues of publicity. The lesson of last election gave notice that government must be returned to the people, but this lesson has made the same invisible government more determined to keep control of the courts. What good is progressive legislation if such legislation may be destroyed by the courts?

Bearing on this proposition, is it proper to say regarding political parties and candidates for the Presidency that both of the old corrupt party machines are under the dominion of the plunder league of the professed politicians who are controlled and sustained by the beneficiaries of privilege and reaction, or is it proper to say the papers conveniently grouped as representing Wall Street interests supported Judge Parker for the Presidency in 1904 and almost unanimously supported Mr. Taft for the Republican nomination on his candidacy for renomination? I quote this exact language from pages 116 to 120 of Progressive Principles, by Roosevelt, contained in his speech before the national committee of the Progressive Party August 6, 1912.

Honorary punishment for Roosevelt's temerity was promised in his certain renomination and election for the Presidency in 1920 but for his untimely death. Quotation marks are omitted because these, to many minds, determine the difference in estimate between the rational and the radical. Even that fine orator, and now conservative radical, ex-Senator Beveridge, who was temporary chairman, on the same occasion said:

These special interests which suck the people's substance are bipartisan. They are the invisible government behind our visible government.

ROOSEVELT AND BEVERIDGE WERE ONCE TERMED RADICALS.

Presidents, judges, lawyers, and laymen have voiced their protest against the tendency of the courts to arrogate to themselves the right both to legislate by judge-made laws and to adjudicate. Those who urge blind unquestioning faith in this tendency of the courts as a test of "Americanism versus Radi-

calism" are confronted with the record and prophesies of the fearless American among Americans, Roosevelt, who in unmeasured terms denounced the trend of court decisions, and with his disciple and able chairman of the progressive convention—Beveridge—proposed and indorsed a vigorous platform demanding so-called radical legislation to prevent an alleged threatened control of the judiciary and of judicial decisions by the invisible government, so strongly denounced by Beveridge at the convention.

The bitter condemnation of those who knew him best brought about the unparalleled defeat for reelection of President Taft while the turn of the wheel had made certain the reelection of Roosevelt.

The people are discovering that Roosevelt and Beveridge were not radicals but were prophets crying in the wilderness whose prophesies, then doubted, now command wide attention.

Nor is it necessary to follow the extreme leadership that once declared present high judicial officers were then supported by the Wall Street press. Men generally will believe that tendencies and training instead of any invisible government have occasioned questionable decisions from the different courts.

Apart from the opinions of Jefferson, Jackson, Randolph, Lincoln, and others of early days, when within a brief time Mayor Hylan, ex-President Roosevelt, ex-Senator Beveridge, and countless other men enjoying public confidence have concluded that money influences the selection of executives in both major parties; that the invisible government is bipartisan; that big men pervert the courts to their own uses, followed by repeated appointments of justices from great corporate environments to the highest judicial posts, where one man may reverse Congress and emasculate a constitutional amendment ratified by 36 States, what answer can be made to the proposition that one Executive may and does by such appointment, though unintentional, nullify the will of the people for a generation to come? Again I repeat the average man may not subscribe to all these conclusions, however high the authority, but opinions are submitted in support of a tentative proposal that will be offered to meet the situation, whatever the facts may be.

THE QUALITY OF MERCY AND TREND OF JUSTICE.

A direct and serious charge affecting every phase of government has come from the mayor of a city second to none in the world in influence and wealth, from a man who rules over more people in New York City than are found in any one of 44 States of the Union. That he is not alone in his estimate of wealth's influence in public affairs appears from a press statement of January 19, 1923, wherein Supreme Court Justice John Ford, of New York, a Republican in politics, is quoted as saying of "judicial usurpation":

That courts are partial to accumulated wealth no impartial student of the subject can doubt. * * * They are on the side of the powerful employer and against his employees, and they are daily, through judge-made laws, oppressing the poor and lowly in the interests of amassed capital.

Again he said:

Federal judges are the worst, because they are appointed for life and not responsible to the voters. Their selection is left to lawyers, and lawyers are the employees of wealthy men and large corporations.

President Taft in a Chicago speech long ago is quoted as saying:

Of all the questions that are before the American people, I regard no one as more important that this, to wit: The improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigating as the rich man; and under present conditions, ashamed as we may be of it, this is not a fact.

That the poor man does not have an equal opportunity in litigating as the rich man is a fact of which we are ashamed, according to an eminent man, once President, now Chief Justice of the United States.

"CORPORATIONS HAVE TAKEN POSSESSION OF THE COURTS."

Again I quote—

At the present time the supreme power is not in the hands of the people but in the power of the judges, who can set aside at will any expression of the peoples will made through an act of Congress or a State legislature. These judges are not chosen by the people nor subject to review by them. This is arbitrary power and the corporations have taken possession of it simply by naming a majority of the judges.

No; this is not an extract from the writings of any alien or destroyer of the Republic. It is the opinion of Chief Justice Walter Clark, of the North Carolina Supreme Court, expressed deliberately in The Arena and is in harmony with the opinion of Jefferson, expressed over a century ago.

Possibly no woman has the confidence of the people of this country above Jane Addams, whose ability, conservatism of expression and interest in humanity is known to all. She is quoted as saying:

From my experience I would say, perhaps, that the one symptom among workingmen which most distinctly indicates a class feeling is a growing distrust of the integrity of the courts, the belief that the present judge has been a corporation attorney, that his sympathies and experience and his whole view of life is on the corporation side.

Commenting on an article by President Hadley, of Yale, wherein he discussed the position of property rights in America to the exclusion of human rights, a writer, Delos F. Wilcox, Ph.D. in the Independent said:

As a matter of fact, it is not Bryan or Roosevelt or Lincoln Steffens or Charles Edward Russell that is the revolutionist; these men talk; the Supreme Court of the United States acts. * * * The truth is that all kinds of men occupy the bench, among them men who secured their positions through all the different degrees of political chicanery practiced in American politics. Judges appointed for life, having no fear of the power of the people or of the Executive to rebuke them, are likely to interpret the law according to their own interests and sympathies.

REPRESENTATIVE GOVERNMENT IN NAME ONLY.

Governor Aldrich, of Nebraska, criticizing a Federal judge's decision in the Minnesota Rate case, is quoted as saying:

When any court, whether it be the United States Supreme Court or a court of inferior jurisdiction, continually makes effort by a judicial decision to do that which the people and the people alone have a right to do, then I say that such a court is seeking to establish judicial tyranny, and if allowed to proceed unchallenged along the line of this unwarranted assumption of power representative government will simply be that in name only.

Governor Aldrich was discussing the powers of the State before a conference of governors in 1911. This was long before the Supreme Court of the United States had held, in effect, that Federal powers of rate control would be held to supersede any State control over rates entirely within the State.

I have been quoting latterly from the remarkably able presentation of "Our judicial oligarchy," by Gilbert E. Roe, a strong lawyer formerly from my own State. Chosen to assume the responsible position of counsel and examiner for a Senate committee on the present oil investigation, Mr. Roe is now demonstrating his fitness and fearlessness for the duties of that position.

One of the ablest articles I have read on the general subject is "Back to the Constitution," by Chief Justice Clark, of North Carolina. Quoting briefly, he says:

Let us go "back to the Constitution" as it is written. Let Congress and the legislatures legislate, subject to the only restriction conferred by the Constitution, the suspensive veto of the Executive, and with further supervision in the people alone, who can be trusted with their own government, else republican form of government is a failure.

It must be remembered that there is no line in the Constitution which gives the courts, instead of the people, supervision over Congress or the legislature. There is no constitutional presumption that five judges will be infallible and that four will be fallible. If the legislative and executive departments of the Government err, the people can correct it. But when the courts err, as they frequently do, for instance, as in Chisholm *v.* Georgia, in the Dartmouth College case, or in the income-tax case, not to mention others, there is no remedy except by the long, slow process of a constitutional amendment or by a change in the personnel of the court, which is necessarily very slow when the judges hold for life, as they do in the Federal courts.

There is no room in a republican form of government for "judicial hegemony."

When men of high political positions and high on the bench, sworn to uphold and administer the laws, frankly confess a fundamental weakness is found in their broad experience and express judgments quoted, what must be the belief of the man on the street whose voice and whose part in our scheme of government weighs even with that of the highest official? Such indictments can not be lightly thrust aside by those who believe differently, for reminders occur of the weakness and warping of poor human nature from he who wears judicial ermine to the humblest clad.

From Roosevelt's 1913 Lincoln Day speech I quote:

In this State of New York there have been many well-meaning judges who in certain cases, usually affecting labor, have rendered decisions which were wholly improper, wholly reactionary, and fraught with the gravest injustice to those classes of the community standing most in need of justice.

Of Roosevelt's statement quoted, Judge Ford says:

This arrogation of sovereign power by the courts—the power to make laws which fit their individual political and economic views and predilections, without responsibility to the people bound by those laws—is a growing danger to our democracy. * * * Little by little this process of usurpation has gone, until now we find the courts boldly proclaiming the right to say what shall and shall not be law, regardless of the legislature or the will of the people. * * * As the king and his judges were immune from popular criticism in the old days, so we have clothed our judges with like prerogatives of royalty.

"SAFE" FEDERAL JUDGES FROM A JUDICIAL VIEWPOINT.

Possibly one of the most significant statements in a long, thoughtful address by this judge comes in his analysis of reasons for appointment of judges, which he handles as fearlessly

as others have done when discussing the matter of selecting Presidents who make judges. He says:

But there is a more ominous feature in the tendency of the judiciary to legislate for the people. The simple fact is that of all departments of government the judiciary has been looked after by the interests. Their influential lawyers have faithfully sought to get "safe" judges on the bench. That is, "safe" as Wall Street understands the term. Particularly have they been successful in procuring the appointment of "safe" Federal judges. Consider the line of Presidents we have had during the past century. Think of the baleful forces through which some of them were nominated and elected. Ponder on the malign influences which surrounded them in office and operated upon their minds in respect of all judicial appointments. Is it any wonder that we have a "safe" Federal judiciary? And the judges they appointed are in office for life and wholly irresponsible to the people over whom they presume to exercise sovereign power. And this in a government of, by, and for the people. Verily, is eternal vigilance the price of liberty.

The fifty-fourth volume of American Law Review contains a thoughtful review of five judges to four decisions of the Supreme Court by Fred A. Maynard, who quotes from the executive council of the American Federation of Labor a proposal somewhat similar to that of Roosevelt regarding a referendum of decisions. Without expressing approval, he quotes:

We mean that the power of government shall be taken out of the hands of our judiciary, which now exercises a power exercised by no other judiciary in the world. We mean that when the people of the United States have educated themselves up to certain reforms in government, when these reforms have been run into legislation and passed by Congress and approved by the President, they shall not be nullified by the edict of the judiciary, which sometimes, owing to a decision of the court, is the edict of a single man.

Analyzing the growing protest against this anomalous growth of judicial power, Maynard says:

They can not understand how such a law can be so doubtful, in a constitutional sense, when they know that before it was enacted it was critically examined by the Judiciary Committee of both House and Senate, composed of the ablest lawyers of the Congress; when they know that it was also examined by the Attorney General of the United States, then when four justices of the court, after full consideration, are also of the opinion that the law is constitutional, they think, and I submit they have reason to think, that no such doubt exists as to warrant the annulment of the law by a 5 to 4 vote. No man can be convicted without a unanimous vote of 12 men. In all cases of impeachment a two-thirds vote is required. I submit that this rule should obtain when a law of Congress is impeached. I have known the power of one vote. I have shown that mighty events have resulted from the casting of one vote. Knowing full well its power, I would, if I could, prevent its exercise when thereby a law of Congress would be declared void.

CONSTRUCTIVE CRITICISM OCCURS THROUGH DISCUSSION.

Any questioning of a court decision, whether united or divided, or any suggestion of court review or recall of judges invites a charge that it is an attack upon the court. It is unnecessary to refute such time-worn methods and when coming from those who deem themselves beneficiaries of the average decision which may be influenced by habitual attacks on Congress, the inquiry comes: What better evidence of some needed change may be afforded than criticisms from such quarters?

I have avoided quoting what seemed to be extravagant or sensational criticisms of the court or its decisions. It is a question relating entirely to the system and is as proper to discuss rationally and moderately as differing methods of nominating or electing Presidents and United States Senators.

Speaking specifically of the courts and those who pervert the courts, I quote from another:

Certain big men who also have sometimes perverted the courts to their own uses now tell us it is impious to speak of the people's insisting upon justice being done by the courts. We say, in the words of Lincoln, that we must prevent wrong "being done by Congress or courts." The people of the United States are rightful masters of both Congress and courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution.

Again, no "radical" here expresses his opinion of the court unless Roosevelt was radical; but by the same measure Jefferson, Jackson, and Lincoln were radical in their criticisms of the courts. Against four eminent ex-Presidents, four of the greatest, what voice do we hear? "His master's voice" may frequently be heard through those who criticize these fearless critics. Yet the ex-Presidents were all popular idols because they remained true to ideals of government.

WHEN DOES THE MAN BECOME SUPERMAN?

Let me quote in this connection the comprehensive expression of an eminent lawyer, Senator, and able statesman, who said, on December 29, according to the RECORD:

A man who is elected President from this Senate floor does not know a bit more the moment after he is elected than he did before he was elected. He is the same man in a different job. His wisdom has not increased a particle. A man who is taken from the bar or bench of the country and put in the office of Secretary of State does not know a bit more the moment after than he did the moment before he was confirmed by the Senate. * * * There is not one of them whose opinion upon a great matter would have been accepted as a finality the day before he got into office. Why should he be regarded as infallible the moment he is elected or appointed?

Continuing the unanswerable conclusions drawn by Senator REED, we may well ask, "Why should a man be transformed into a King Solomon the moment he is appointed on the bench, or why should a railway lawyer, however able, be placed where his one vote may overturn the will of the House, the Senate, and the Executive in a 5-to-4 teeter-totter decision? Again, why was he appointed, when hundreds of able State supreme court judges were equally available?"

Several years ago, July 31, 1911, a Senator from Oklahoma [Mr. OWEN] presented a bill for the recall of Federal judges. One strong argument advanced was that the chief value of the recall will be found in making its use unnecessary. Knowledge of the power would hold in check the natural tendency of unrestrained judicial decisions.

The Senator advanced a further argument that if judges should be appointed for life, why not have Senators and Congressmen appointed by the President for life. He says what we all know to be true:

A judge on the bench is only a human being after all, and he might become intemperate, not sufficiently to justify impeachment perhaps, but to justify recall. He might become mentally incapable or physically incapable, not sufficiently perhaps to justify impeachment. Such a judge might become corrupt and be so skillful in his corrupt judgments that it would be impossible to impeach and yet the wisdom of his removal might be beyond doubt.

Illustrating his point, Senator OWEN called attention to the electoral commission that seated President Hayes, when in four cases the commission divided regularly 8 to 7, according to previous political affiliation, including Justices Bradley, Clifford, Miller, Field, and Strong, of the Supreme Court.

I do not offer any opinion when recalling that in the last presidential campaign some one had to be chosen as Executive who would select judges for life. A fund of more than a million dollars was disclosed to have been contributed and expended for one particular candidate in the nomination campaign. It was not the judiciary but the Senate that revealed a brazen attempt to purchase the Presidency. Kenyon did the job, but the fearless man who sought to purge our body politic of a supreme offense has now been translated from the Senate, not to the Supreme Court, where his abilities and fearlessness would have helped to humanize decisions, but Kenyon is now placed where large national questions will rarely disturb him or those who fear him. Again, a decision by the Supreme Court was recently handed down that unlimited expenditures may be made in primaries, notwithstanding State or Federal corrupt practices acts are to the contrary. More recently the people reviewed that decision with a list of many political casualties found among those who had registered the same views as the court on the political expenditures of a former Michigan Senator.

INFLUENCES THAT MAKE THE COURT INFALLIBLE(?).

The leading Cabinet officer to-day and close presidential advisor, whose ability and personal high standing is beyond criticism, according to a complimentary intimation in the opinion, turned the Supreme Court decision in favor of his client—Standard Oil—in the stock dividend 5 to 4 decision (252 U. S.) by 1 majority of the court. The Newberry $200,000 campaign fund decision in like manner was a teeter-totter 5 to 4 court decision, with Mr. Hughes again chief counsel for the victor. (256 U. S. 233.) He there contended in legal phraseology that "regulations affecting times, places, and manner of holding elections" did not relate to nominations, because the only way to determine the egg was by the chicken—if it hatched—at least that was the substance of the majority opinion, although the case had other angles.

Chief Justice White, Justices Pitney, Brandeis, and Clark rejected ex-Justice Hughes's reasoning, but again he had the fifth gun, and that always turns the judicial tide of battle. However, both decisions were rejected by the country when an expression at the polls could be had from the people who do not appreciate the "niceties of law" that weighed most with the fifth judge in both hairsplitting decisions.

Rejected in the tax case I submit as evidenced from the vote on the income-tax amendment ratified by 36 States and interpreted by four able justices and rejected in the primary expenditure case by the long list of political fatalities recorded at the last election. Finely drawn distinctions were offered to justify both decisions, but the people, who have the last voice, are not and were not in sympathy with either judgment of the court if sentiment can be gathered from the ballot-box returns of the several States.

THE CHILD'S HAT OF 1787 FOR 100,000,000 PEOPLE.

Sincere and insincere questioners who object to any "monkeying" with the Constitution seem to forget that if the framers of that instrument had intended that the court or any other body was to be a sort of governess for Congress, they would

have so provided in the bond between the States. Many of our modern woes, real or imaginary, have arisen from trying to satisfy a majority of the court's views, that are subject to modification or radical change with a changing court—a problem found nowhere else in the world.

Unless we say, with unctuous sophistry, we can not trust the people who are the government to decide how their Government shall be run, then State and Federal Constitutions will never be proper subjects of change. In upholding the workmen's compensation laws of Wisconsin, Chief Justice Winslow, a dearly loved official, announced a doctrine that might well be followed more regularly when he said:

When an eighteenth-century constitution forms the charter of liberty of a twentieth-century government, must its general provisions be construed and interpreted by an eighteenth-century mind in the light of eighteenth-century conditions and ideals? Certainly not. * * *

ROOSEVELT ON THE RECALL OF JUDGES.

After paying full tribute to the able judiciary of the country, in which every fair-minded man agrees, Roosevelt, in his address to the Ohio constitutional convention, expressed himself so clearly and unmistakably that I quote:

Either the recall of judges will have to be adopted or else it will have to be made much easier than it is now to get rid, not merely of a bad judge but of a judge, however virtuous, who has grown so out of touch with social needs and facts that he is unfit longer to render good service on the bench.

It is nonsense to say that impeachment meets the difficulty. (That was Jefferson's same criticism.) In actual practice we have found that impeachment does not work, that unfit judges stay on the bench in spite of it, and, indeed, because of the fact that impeachment is the only remedy that can be used against them. Impeachment as a remedy for the ills of which the people justly complain is a complete failure. A quicker, a more summary remedy is needed.

Roosevelt was speaking of State courts, but the same argument affects United States Supreme Court decisions that invalidate both State and Federal laws. A resemblance and a distinction between the highest State and highest Federal court is noted, for State laws permit the people of the State in time to remove at the polls the offending judge, whereas a Supreme Justice whose vote may set aside both Federal or State laws concerning the most vital public questions, is responsible to no one during his natural life.

No court veto of legislative wisdom is found in the Constitution, but as usurpation of jurisdiction rests on justified or unjustified custom and now has the force of constitutional prerogative, what just reason can be advanced against the right to set aside such decision by the same two-thirds vote with which we set aside the veto of an Executive who appoints Supreme Court judges? If the people by constitutional amendment place the responsibility with Congress, who can be heard to complain?

RECALLS OF CONGRESS AND EXECUTIVES.

The Constitution provides in its wisdom the Executives of the Government may be removed in four years, as evidenced by the 531 to 8 electoral-vote decision during the recent past, although no power can reach the same man when he is once placed on the bench. By the seventeenth amendment it is provided the Senate every six years shall go back to the people, not to State legislatures as formerly, and that Representatives shall go back biannually to receive their grant of authority. Why should not some control be had over the personnel of the court by those who represent the people?

A political party that cast 4,119,507 votes in 1912—11 times the Republican electoral vote 10 short years ago, carried in its platform, so supported, the following plank:

When an act passed under the police power of the State is held unconstitutional under the State constitution by the courts, the people shall have an opportunity to vote on the question whether they desire the act to become a law notwithstanding such decision.

Last month a conference met in Cleveland to advance progressive political action. Five hundred delegates from practically every State in the Union, claiming to represent millions of voters in farm and labor organizations, there issued a call to Congress based on overwhelming political changes they contributed to bring about at the recent election. One of the six planks adopted by that conference reads:

(3) That Congress end the power of the courts to declare legislation unconstitutional.

The unlimited power of the courts and the stand of the Progressive Party a decade ago finds recent expression in the platform drafted last month at Cleveland. What is the answer?

A bill heretofore introduced by an able lawyer and Senator (OWEN) with long service reads:

That from and after the passage of this act Federal judges are forbidden to declare any act of Congress unconstitutional. No appeal shall be permitted in any case in which the constitutionality of an act of Congress is challenged, the passage by Congress of any act being deemed conclusive presumption of the constitutionality of such act.

Protesting against a recent Supreme Court appointment, Senator LA FOLLETTE several days ago said in his magazine:

No student of existing conditions, however conservative he may be, can ignore the alarming fact that there is a widespread and growing suspicion in the public mind that our courts and kindred tribunals established to administer justice under the laws are more considerate of property interests than of personal rights. * * * It is no longer to be ignored by the profession nor by those having the appointing power to places on the bench. Out of it has come the demand for the recall of judges.

In speeches, arguments, and writings Senator LA FOLLETTE has constantly urged the necessity for a recall of judges and a review of decisions. His advice has been followed by criticisms, but he is in the company of ex-Presidents, judges, and is well able to stand alone.

Senator BORAH recently introduced a bill requiring seven judges of the Supreme Court to agree before a Federal law is set aside. Jury decisions ordinarily by law must be unanimous. Why not the courts when laws are set aside?

SACREDNESS OF JUDGES NO LONGER A SHIBBOLETH.

Unless there is some sacredness attached that may suggest a strong suspicion of ulterior motives for preventing removals under any circumstances, a resolution making decisions and judges subject to a two-thirds referendum or recall is worthy of consideration by the Congress.

If it would not be deemed too "radical" to quote a commonly misused term of reproach, I venture to offer for your consideration something to the following effect:

No law shall be held unconstitutional and void by the Supreme Court without the concurrence of at least all but one of the judges.

A provision affecting the tenure of office of judges I submit might properly read:

Judges may be removed from office by concurrent resolutions of both Houses (of the Congress) if two-thirds of the Members elected to each House concur therein, but no such removal shall be made except upon complaint, the substance of which shall be entered on the journal, nor until the party charged shall have had notice thereof and an opportunity to be heard.

Both provisions, excepting the words in parentheses, are taken verbatim from the constitution of the State of Ohio, from a State that claims for its chief citizen the only man who can appoint judges and chief justices for life, and from the home State of the Chief Justice himself.

THE RACE TO THE COURT, FAST AND FURIOUS.

The growth of the court's "don't decisions" on "seeming laws" enacted by Congress has been fast and furious. Three cases were heard and three Federal laws declared unconstitutional during the first 70 years, or one in about every 23 years on the average. Of those so tried, two were of slight importance. Since that time, or during a period of practically 50 years, such decisions have reached on an average possibly one per year, and hundreds of State laws have been wiped out by the same tribunal. I have not the exact number, but believe this figure is not far wrong and that decisions declaring Federal laws unconstitutional are rendered twenty-three times as often now as in the days of the terrible but great Marshall.

Familiarity breeds or invites contempt, 'tis said, and we are becoming used to the court's chastening stick, but no record shows how many cases have been tested in court—some upheld, some dismissed, and others reversed. From the lower court to the highest the race now is constant. No law is certain in character to-day until litigants get the stamp of approval from the court, so these litigants and thousands who have acted or would act on the law are kept in a state of suspended animation until the court voices its approval or disapproval. In other words, to determine what is law or just "seems to be law." How long will Congress and the country subscribe to this un-American doctrine of judicial usurpation?

To what extent, we may well ask, will the policy lead in view of the arithmetical progression practiced during recent years, and can any more striking anomaly be conceived under our form of government than this anxious waiting, hat in hand, for months or years to get a 5 to 4 last guess on constitutional enactments?

A FEW CASES CITED FROM AMONG MANY CLOSE DECISIONS.

Widespread extension of the United States Supreme Court's constitutionally provided jurisdiction may be inferred from a few examples of divided decisions that overturn different laws of States and Nation. Only those are mentioned where the opinion of the court is fairly well divided:

United States *v.* Trans-Missouri Freight Association (166 U. S. 290, 1897), Sherman Antitrust Act; four dissenting.

United States *v.* Joint Traffic Association (171 U. S. 505, 1898), Sherman Antitrust Act; three dissenting.

Northern Securities Co. *v.* United States (193 U. S. 197, 1904), Sherman Antitrust Act; three dissenting.

Continental Wall Paper Co. *v.* Voigt Co. (212 U. S. 227, 1908), Sherman Antitrust Act; four dissenting.

Paine Lumber Co. *v.* Neal (214 U. S. 459, 1908), Sherman Antitrust Act; three dissenting.
Duplex Printing Co. *v.* Deering (254 U. S. 443, 1920), Clayton Act; three dissenting.
Employers' Liability Cases (207 U. S. 463, 1907), Federal law held unconstitutional; four dissenting.
Lochner *v.* New York (198 U. S. 45, 1904), New York law held unconstitutional; four dissenting.
Adams & Tanner (244 U. S. 590, 1917), Washington law held unconstitutional; four dissenting.
Hammer *v.* Dagenhart (247 U. S. 253, 1918), Federal child labor law held unconstitutional; four dissenting.
Bailey *v.* Alabama (219 U. S. 218, 1911), Alabama law held unconstitutional; two dissenting.
Coppage *v.* Kansas (236 U. S. 1, 1915), Kansas law held unconstitutional; three dissenting.
Southern Pacific *v.* Jenson (244 U. S. 205, 1916), State compensation acts held unconstitutional; four dissenting.
Stettle *v.* O'Hare (243 U. S. 629, 1917), Oregon law upheld; four to four.
Knickerbocker Ice Co. *v.* Stewart (253 U. S. 149, 1920), Federal law held unconstitutional; four dissenting.
Truax *v.* Corrigan (42 Sup. Ct., 1922), Arizona law held unconstitutional; four dissenting.
Pollock *v.* Farmers' Loan & Trust Co. (158 U. S. 601, 1895), Federal income tax held unconstitutional; four dissenting.
Keller *v.* United States (213 U. S. 138, 1909), Federal law held unconstitutional; three dissenting.
Southern Railroad Co. *v.* Greene (213 U. S. 400, 1910), Alabama law held unconstitutional; four dissenting.
Western Union Telegraph Co. *v.* Kansas (216 U. S. 11, 1910), Kansas law held unconstitutional; three dissenting.
West *v.* Kansas N. G. Co. (221 U. S. 229, 1911), pipe-lines law held unconstitutional; three dissenting.
Savings Bank *v.* Des Moines (205 U. S. 303, 1907), Iowa law held unconstitutional; three dissenting.
Louisville & Nashville Railway *v.* Stockyards (212 U. S. 131, 1909), Kentucky law held unconstitutional; three dissenting.
Ludurg *v.* Western Union Co. (216 U. S. 146, 1910), Arkansas law held unconstitutional; three dissenting.
Union Tank Line *v.* Wright (249 U. S. 275, 1919), Georgia law held unconstitutional; three dissenting.
Newberry *v.* United States (256 U. S. 232, 1921), overruling conviction of Newberry; four dissenting.

I have not quoted the Macomber stock-dividend case (252 U. S.) holding by 5 to 4 such dividends not taxable and thereby losing possibly a half billion dollars in tax revenues to the Treasury nor are many other cases cited because hard to classify. Many laws, State and National, have been held constitutional by only one vote of the court, and other proportionately narrow escapes in determining constitutionality are not cited nor are ordinances of cities mentioned that were set aside or affirmed by a divided court decision, many of which I have before me.

A most remarkable publication, printed under Government sanction, laid on our desks during the past week, is entitled "Labor laws that have been declared unconstitutional," issued by the United States Department of Labor. A review of decisions by State and Federal courts discloses that 300 separate statutes, bills, and ordinances have been set aside by the courts (p. 10). When it is remembered that hundreds of laws not affecting labor have been set aside by the courts, the wide range of assumed jurisdiction and judge-made laws resulting may well be understood.

The fostering care of one court over another (?) is announced by the United States Supreme Court when, in passing upon a decision of the New York Court of Appeals, it announced:

> We will only say that, notwithstanding the decision comes from the highest court of the first State of the Union and is supported by most persuasive argument, we have not been able to yield our consent to the view there taken.

Enough has been offered of recent date to show that with increasing frequency the Supreme Court on great public questions previously decided by constitutionally elected bodies often evenly divides while one member of the court is now vested with power under present conditions to set aside laws left in force by an otherwise equally divided court. Both branches of Congress and the Executive who appointed the court are helpless to act, notwithstanding a strongly contended usurpation of constitutional prerogative exists in the court to-day. State legislatures and governors are equally impotent if one Federal Associate Justice throws his weight on one side or the other of the question.

CONCLUSIONS, IF REASONABLE, CALL FOR SOME REMEDY.

I have not assumed to present any original or technical argument nor urge that particular changes be adopted.

When no authority exists under the Constitution to reach this situation, either by Congress or the people, it remains for Congress to provide some relief for submission to the people. As a tentative suggestion it is proposed that decisions of the court declaring laws unconstitutional shall be practically unanimous or for recall of judges, or both, and it may be a salutary move to place a recall in the hands of two-thirds of Congress, thereby serving to keep the court fairly close to the will of the people. To this end I am suggesting a tentative amendment that would require two-thirds vote of both Houses to join in any proceeding affecting members of the court or of their decision, somewhat similar to the Ohio constitutional provision. If this proposed amendment invites consideration, I submit that ample grounds for its support may be found in the cases cited. More pertinent, it makes certain Article IV of the Constitution, which provides:

> The Constitution and the laws of the United States * * * shall be the supreme law of the land; and the judges of every State shall be bound thereby.

It reads "judges shall be bound thereby" without hairsplitting decisions over "supposed laws."

Pursuant to the same ark of the covenant we can not well misread section 2, Article III, that is couched in plain English:

> The Supreme Court shall have appellant jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

No higher authority need be cited, and no greater responsibility rests on Congress to-day, in my humble judgment, than to perform a plain duty under the Constitution.

Proposed joint resolution for an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

SECTION 1. Congress shall have power to determine how many members of the Supreme Court shall join in any decision that declares unconstitutional, sets aside, or limits the effect of any Federal or State law, and may further provide by law for the recall without impeachment proceedings of any judge of the court, or for a review and setting aside of any such court decision, providing that not less than two-thirds of the vote of both Houses shall agree to such recall or review.

THE PRIVATE CALENDAR.

Mr. SNELL. Mr. Speaker, by previous arrangement, I understand that it is in order to call up unobjected-to bills on the Private Calendar. I ask unanimous consent that they may be considered in the House as in Committee of the Whole.

The SPEAKER. By special order bills unobjected to on the Private Calendar are in order to-day. The gentleman from New York asks unanimous consent that they may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

CERTAIN OFFICERS OF THE ARMY.

The SPEAKER. The Clerk will report the next bill on the Private Calendar.

The next business on the Private Calendar was the bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, this is an omnibus war claims bill involving some 46 different claims. I think some explanation should be made by the chairman of the committee reporting it before the objection stage is passed.

Mr. SNELL. Mr. Speaker, this bill was originally sent to the Speaker of the House to be presented to the War Claims Committee for consideration. It contained various private claims, and was intended to clear up all of the claims that were in the War Department that had been approved by the department but refused payment by the Comptroller General up to the time that we passed, last year, the special enabling act which gave the power to the War Department to consider and settle practically all such claims as are carried in this present omnibus bill.

In considering this bill the committee went over each claim very carefully. We tried not only to be fair to the individual claimants but also to protect the Government in every respect, and if we have erred at all I think we have erred in favor of the Government.

Mr. MADDEN. Does the gentleman mean to say that if the committee have erred, they have erred by giving more generous treatment to these cases than they should have received?

Mr. SNELL. I mean just exactly the opposite, and most of the claimants at least will support my statement.

Mr. MADDEN. I thought the gentleman would like to have that statement made.

Mr. SNELL. Many of these claims are printing claims. According to law no one has the right to cause any printing on behalf of the Government or any advertisement or insertion in any paper without written authority from the War Department. During the war there were a good many times when

it was absolutely necessary for the officer in charge for the benefit of the Government to insert small advertisements on behalf of the Government. Each one of these claims except one is very small. It was done for the benefit of the Government, and there is absolutely no reason why the Government should not pay these bills except the technicality that was in the law.

The heading that covers the greater part of these claims is the loss of money by Army officers. During the war various officers were in control of sums of money used for pay rolls and other expenses. They had no special accommodation for taking care of this money, and it was necessary to leave it with a subordinate officer or with some civilian clerk, and generally the officer had no control in choosing such officer or clerk. In practically every case covered in this bill the officer himself really had nothing to do with the money. In almost all cases the person who stole the money or in some other way got away with it has been apprehended and is now in jail or has returned a part of the money; but notwithstanding that fact the officer himself is held responsible and has been asked to pay back the balance that has not been returned; that is, the officer in charge is technically responsible, regardless of any other conditions over which he has no control.

Sometimes in the foreign service they moved quickly and did not always have an opportunity to take all their belongings with them.

Mr. STAFFORD. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. STAFFORD. In these various claims, what action was taken by the department to secure the amount from surety companies?

Mr. SNELL. I think there is only one claim, if I remember correctly, where there was a bond, and a surety bond does not cover the Heilich case, which is, I believe, the one the gentleman has reference to. The Government bonds a man's honesty, and if a man is not dishonest, if he has been tried by court-martial and it has been shown that he is not guilty of any misdemeanor, and he is still in the service, that bond does not cover the case. It is simply when a man has been found guilty of wrongdoing and has been separated from the service that the bond covers the case. This man was proven innocent and without fault and is still in Government employ, and for that reason the bond has nothing to do with the case at all, and the bonding company receives no benefit under this bill.

Mr. STEVENSON. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from South Carolina.

Mr. STEVENSON. I had a case which I think reached the committee too late to be inserted in this bill. Major Hardin had a clerk assigned to him by the Civil Service whom he had no right to refuse to take. Major Hardin required him to have a bond, and he gave a surety bond for $5,000. The clerk stole $11,000. The surety bond was collected, but the Government wishes Major Hardin to pay the remaining $6,000. The dishonest clerk pleaded guilty to the charge and was sent to the penitentiary and within a few months was pardoned. I wanted to know if the gentleman would be willing to let that go into this bill. I would be glad to get it in if we could. It was approved by the department, but it was too late to get it into the bill.

Mr. SNELL. I will say that several people have come to me with the same kind of cases. I would not want to put into the bill any cases that have not been definitely passed upon by the committee and all the evidence presented to the committee in the usual way. We expect to have another day later on, and I would be glad then to consider the matter.

Mr. McSWAIN. Will the gentleman yield?

Mr. SNELL. I will.

Mr. McSWAIN. Is it the information of the gentleman that the War Claims Committee will have another day during this session?

Mr. SNELL. Yes; we are going to clean up the calendar.

Mr. McSWAIN. I want to say while I am on my feet, being a member of that committee, that as the chairman has explained, we thoroughly thrashed over all of these cases, and having had some slight experience with them I want to say that we reported nothing but that we felt the Government legally and honestly ought to pay.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SNELL. I will.

Mr. GREENE of Vermont. Does the gentleman recollect the case of Colonel Newbold that was to come in in some omnibus bill?

Mr. SNELL. I do not know; this bill carries 68 claims and I have forgotten the names of all of them. If that one the gentleman speaks of was sent up by the War Department and is meritorious, it is in the bill.

Mr. GREENE of Vermont. Is it expected that you will have another batch of these small claims so that this might be included in those?

Mr. SNELL. I do not know that we will have another omnibus bill, yet there are a few other claims that we will have to bring in as private bills. It is the desire of the committee to cover all of the claims arising from the late war as fast as possible so that the legitimate claimants will get their money during their lifetime instead of the second and third generation, and so that the people who know about them can give their evidence.

Mr. GREENE of Vermont. I want to say that I commend that policy, but I am taken by surprise this morning, and have not the access to my files just now. Colonel Newbold is on duty in my State at Fort Ethan Allen, which is the reason for my being interested in his behalf. It is expected that he will go on foreign service within a month.

Mr. SNELL. I am just informed the case the gentleman from Vermont is interested in is in the bill.

Mr. LITTLE. Will the gentleman yield?

Mr. GREENE of Vermont. I have not the floor.

Mr. LITTLE. Was Colonel Newbold in Switzerland at one time?

Mr. GREENE of Vermont. I can not tell the gentleman. I do not remember just what his service was.

Mr. SNELL. Mr. Speaker, the other claims are for rental of quarters where the individual officer did it under the direct command of his superior officer, and at no time was a larger amount paid than he would be allowed according to his rank and according to present law. But, owing to some technical question as to whether he was on duty with troops or not, the Comptroller General refused to pay the account. These, together with some other expenses connected with the observations made by some Army officers in foreign countries previous to our entry into the World War, comprised a majority of the claims taken up in the general bill. I will say for the committee that we have gone into these claims carefully. I myself have personally read all the evidence, and we have not put in a single bill in this general bill where there is a weak link in evidence. Everything is in favor of the Government.

Mr. SEARS. Will the gentleman yield?

Mr. SNELL. Certainly.

Mr. SEARS. The gentleman says he expects to have another day to consider these bills. We all know the congestion of the calendars in both Houses, and I sincerely hope that the gentleman will not have one day but many days in order that we may clear the calendars of these bills, and especially those that have passed the Senate which are meritorious and have been considered year after year.

Mr. SNELL. It is expected to clean up the entire Private Calendar at this session.

Mr. STAFFORD. Mr. Speaker, in view of the exhaustive explanation made by the chairman of the committee and the detailed and earnest study that seems to have been given to these omnibus claims, and having gone over them somewhat myself, I feel that the objection should be withdrawn, and I hereby withdraw it.

Mr. SNELL. The following is a condensed statement of the bill and amounts carried:

Summary of amounts included in bill H. R. 11397.

FOR RELIEF OF OFFICERS AND FORMER OFFICERS.

[Total, 48 officers.]

Name.	Credits to be allowed.	Amount to be reimbursed.
2. Earl J. Atkisson, major, Chemical Warfare Service		$500.00
3. Maj. Delbert Ausmus (now captain), Coast Artillery	$856.93	650.00
4. William A. Bailey (formerly first lieutenant, Signal Corps, agent officer, United States Army) and Charles G. Dobbins, Finance Department	2,950.00	936.16
6. Herman H. Birney, jr. (formerly second lieutenant, Air Service)	1,403.50	
7. Capt. Ralph E. Bower (now first lieutenant, Infantry)		15.10
8. Capt. William Bowman (now warrant officer)	3,000.00	450.00
10. Frank S. Cady (formerly acting dental surgeon, United States Army)		127.61
11. Henry C. Chappell (formerly captain, National Guard, retired)		58.50
12. H. D. Cory (formerly captain, Quartermaster Corps)		600.00
13. Capt. Richard D. Daugherity (now first lieutenant, Infantry)		256.91
14. Maj. Charles B. Elliott		5.60
15. Capt. Lewis J. Emery, quartermaster, Officers' Reserve Corps		139.00
16. Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Infantry)		620.00
17. Maj. Powell C. Fauntleroy (now colonel)		601.40
18. Capt. Thomas Feeney (now sergeant)		7.50

Summary of amounts included in bill H. R. 11397—Continued.

FOR RELIEF OF OFFICERS AND FORMER OFFICERS—continued.

Name.	Credits to be allowed.	Amount to be reimbursed.
19. Capt. Frank Geere (now major)		$29.00
20. Lieut. John H. Hall, Thirty-third Infantry		200.00
21. Matthew E. Hanna (formerly captain, Tenth Cavalry)		532.18
22. Capt. John Heilich (now technical sergeant)	$34,000.00	1,960.00
24. Fred S. Johnston (formerly captain)		68.00
25. Warrant Officer James Kelly (formerly major)		3,029.45
26. Capt Harold Kernan, Field Artillery	3,426.00	1,200.00
27. Lieut. Col. Henry Jervey (now brigadier general)		24.00
28. Nelson Keys (formerly second lieutenant, Infantry)		238.75
29. Capt. James T. MacDonald		39.33
30. Capt. Sherman Miles (now major)		57.95
31. William D. Nicholas (formerly first lieutenant, Quartermaster Corps)		226.84
32. Lieut. Col. Mason M. Patrick (now colonel)		6.80
33. Alexander Perry (formerly captain, Coast Artillery)		1,521.84
34. Capt. Charles F. Risler, Ordnance		57.00
35. First Lieut. Matthew E. Saville, Tenth Infantry (now colonel, retired)		1,369.55
37. First Lieut. Turner R. Sharp (now captain)		187.40
38. Lieut. Col. George O. Squier, Signal Corps (now major general)		41.46
39. Acting Dental Surg. William A. Squires (now major, Dental Corps)		290.79
41. Delmaie A. Teller (formerly captain, Quartermaster Corps)	770.00	582.00
42. Capt. Francis J. Baker, Finance Department		141.00
Capt. Stephen R. Beard, Finance Department		168.80
Capt. Horace G. Foster, Finance Department		350.48
Capt. Hastie A. Stuart, Finance Department		182.40
43. Maj. George N. Watson, Finance Department		398.54
45. Lieut. George D. Graham, Medical Corps (now lieutenant colonel, Dental Corps)		301.20
Capt. Edward D. Kremers, Medical Corps (now major, Dental Corps)		340.00
Capt. Larry B. McAfee (now major, Medical Corps)		293.00
Capt. Laertus J. Owne (now lieutenant colonel, Medical Corps)		171.67
Lieut. Col. Frederick P. Reynolds (now colonel, Medical Corps)		323.90
Capt. Adam E. Seglanser (now major, Medical Corps)		278.00
Jay D. Whitham (formerly major, Medical Corps)		86.80
	46,406.43	19,796.68

FOR RELIEF OF CIVILIANS.

(Total, 19.)

1. Byron S. Adams	$2,036.80
5. Berwind-White Coal Mining Co	118.40
9. Bransford Realty Co	132.20
36. John Schmidt	216.75
40. Nellie Swords	140.00
44. St. Francis Hospital, Newport News, Va	47.90
Dr. S. W. Hobson	56.00
46. Charleston American	34.80
Dispatch Printing Co	60.48
Evening Post Publishing Co	40.32
Montgomery Advertiser	16.75
Montgomery Journal Publishing Co	10.20
Newburgh News Printing & Publishing Co	27.00
New York Evening Journal	420.00
Spokesman-Review	23.40
Stivers Printing Co	22.50
Times Publishing Co	4.69
Trenton Times	13.44
Waterbury Republican	22.50
Total	3,447.73

FOR RELIEF OF ENLISTED MEN.

23. Clarence W. Hengen (formerly private M. G. Co.) $55.00

The total number of claimants whose cases are reported herein is 68, and of these 48 are officers or former officers, 1 is an enlisted man, and 19 are civilians or civilian agencies. The amounts which it is proposed to authorize to be appropriated, considering the collections and refundments of record up to date in the cases of commissioned officers, are as follows:

RECAPITULATION.

Number of claimants.	Classification of cases.	Credits to be allowed.	Cash refund on payments made by individuals.	Cash settlements to claimants.
	MILITARY.			
48	Relief of officers and former officers	$46,406.43	$19,796.68	
1	Relief of enlisted man		55.00	
	CIVILIANS.			
19	Payment for supplies, services and damages			$3,447.73
	Total	46,406.43	19,851.68	3,447.73
	Total cash to be appropriated			23,299.41
	Aggregate involved			69,705.84

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credits and effect reimbursements in the accounts of the persons herein stated, out of any money in the Treasury not otherwise appropriated, which amounts, except as otherwise provided herein, are hereby authorized to be appropriated, namely:

First. Payment for printing: That the Comptroller General of the United States is hereby authorized and directed to pay to Byron S. Adams, printer, Washington, D. C., the sum of $2,036.80, being equitably due for printing furnished the Ordnance Department, United States Army, under contract dated June 21, 1919, and supplemental contracts dated October 18, 1919, and December 26, 1919, and which account now stands disallowed on the books of the General Accounting Office.

Second. Payment for an automobile: That the Comptroller General of the United States is hereby authorized and directed to pay to Maj. Earl J. Atkisson, Chemical Warfare Service, United States Army, the sum of $500, being equitably due to reimburse the said Major Atkisson for the loss of his automobile shipped on Government bill of lading on August 30, 1917, and not subsequently delivered to him, but later salvaged as Government property and sold for $291, which sum was deposited to the credit of the Treasurer of the United States as miscellaneous receipts.

Third. Relief of Maj. Delbert Ausmus (now captain), Coast Artillery, United States Army: That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Maj. Delbert Ausmus (now captain), Coast Artillery, the sum of $856.93, representing public funds for which he was accountable and which were stolen from him in February, 1920, and to reimburse him in such amount as he has refunded to the United States to make good the loss of these public funds.

Fourth. Relief of William A. Bailey (formerly first lieutenant, Signal Corps, agent officer, United States Army) and Capt. Charles G. Dobbins, Finance Department, accountable officer, United States Army: That the Comptroller General of the United States is hereby authorized and directed to relieve William A. Bailey (formerly first lieutenant, Signal Corps, agent officer) and Capt. Charles G. Dobbins, Finance Department, accountable officer, from the responsibility imposed upon them by law in the sum of $2,950, representing public funds for which the said Captain Dobbins was accountable, and for which the said William Bailey was responsible as agent officer, and which were embezzled some time between October 30, 1919, and December 20, 1919, by one Charles D. Farman, who has since been convicted in the United States District Court, Southern District of Florida, of said embezzlement; and to reimburse the said William A. Bailey in such amount as he has refunded to the United States to make good the embezzlement of these public funds.

Fifth. Payment for damages to a chartered barge: That the Comptroller General of the United States is hereby authorized and directed to pay to the Berwind-White Coal Mining Co. the sum of $118.40, as damages on account of a collision between the United States Army chartered barge *Eureka No. 12*, owned by said company, and the United States Army chartered tug *Reliable*, in New York Harbor, on August 23, 1918, due to defective steering gear on the tug *Reliable*.

Sixth. Relief of Herman H. Birney, jr. (formerly second lieutenant, Air Service, United States Army): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Herman H. Birney, jr. (formerly second lieutenant, Air Service), the sum of $1,403.50, representing public funds which were lost or stolen from him on or about December 1, 1919; and to reimburse him in such amount as he has refunded to the United States to make good the loss of these public funds.

Seventh. Relief of Capt. Ralph E. Bower, United States Army (now first lieutenant, Infantry): That the Comptroller General of the United States is hereby authorized and directed to reimburse Capt. Ralph E. Bower (now first lieutenant, Infantry), in the sum of $135.10, representing public funds for which he was accountable which were lost by fire on or about March 6, 1920, and refunded by him to the United States to make good the loss of these public funds.

Eighth. Relief of Capt. William Bowman, Quartermaster Corps, United States Army (now warrant officer): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. William Bowman, Quartermaster Corps (now warrant officer), the sum of $3,000, representing public funds for which he was accountable and which were lost in February, 1919, through no fault of his own; and to reimburse him in such amount as he has refunded to the United States to make good the loss of these public funds.

Ninth. Payment for damages to crops: That the Comptroller General of the United States is hereby authorized and directed to pay to the Bransford Realty Co., of Nashville, Tenn., the sum of $132.20, as damages to growing crops caused in or about August, 1917, by stock belonging to the Government under the control of the First Tennessee Infantry, payment to be made from the appropriation for claims for damages to and loss of private property.

Mr. SNELL. On page 5, line 11, I move to strike out the word "in" and insert the word "on."

The amendment was agreed to.

The Clerk continued the reading of the bill as follows:

Tenth. Reimbursement of Frank C. Cady (formerly acting dental surgeon, United States Army): That the Comptroller General of the United States is hereby authorized and directed to pay to Frank C. Cady (formerly acting dental surgeon) the sum of $127.61, being the amount paid by him from private funds for rent of quarters for the period October 14, 1913, to January 31, 1914, for his use while in the service of the United States.

Eleventh. Relief of Henry C. Chappell (formerly captain, National Guard, retired): That the Comptroller General of the United States is hereby authorized and directed to pay to Henry C. Chappell (formerly captain, National Guard, retired), of New London, Conn., the sum of $58.50, paid by him in amounts as follows for advertisements published May 21 to 24, 1917, in newspapers soliciting enlistments in the Quartermaster Reserve Corps of the Army for service in a motor-truck company of the Quartermaster Corps: The Telegraph Publishing Co., New London, Conn., $6; the Evening Day, New London, Conn., $19.50; the New London Daily Globe, New London, Conn., $15; the Bulletin Co., Norwich, Conn., $18.

Twelfth. Relief of H. D. Cory (formerly captain, Quartermaster Corps, United States Army): That the Comptroller General of the United

States is hereby authorized and directed to reimburse H. D. Cory (formerly captain, Quartermaster Corps) in the sum of $600, representing public funds for which he was accountable which were stolen between March 27, 1918, and May 4, 1918, and refunded by him to make good the loss of these public funds.

Thirteenth. Relief of Capt. Richard D. Daugherity, Forty-eighth Infantry, United States Army (now first lieutenant, Infantry): That the Comptroller General of the United States is hereby authorized and directed to reimburse Capt. Richard D. Daugherity, Forty-eighth Infantry (now first lieutenant, Infantry), in the sum of $256.91, representing public funds for which he was responsible as agent officer which were stolen by Capt. John A. Willers, Forty-eighth Infantry, upon his desertion from the service on December 7, 1918, and refunded by the said Captain Daugherity to the United States to make good the loss of these public funds.

Fourteenth. Relief of Marjor Charles B. Elliott: That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of Maj. Charles B. Elliott, Infantry, United States Army, in the sum of $15.60, being overpayments made by him in good faith, during the period from September 1 to November 30, 1916, to members of the National Guard of the State of New Jersey, as a result of his failure, through misinterpretation of regulations, to deduct certain court-martial fines, and which sum of $15.60 has been refunded by him to the United States from private funds.

Mr. SNELL. Mr. Speaker, I wish to offer an amendment to page 7, line 7, to strike out the word "Marjor."

The Clerk read as follows:

Page 7, line 7, strike out the word "Marjor" and insert the word "Major."

Mr. BLANTON. Mr. Speaker, I move to strike out the last word, in order to ask a question. There has been quite a loss to the Government both during the war and since on these defaults and others. The gentleman speaks about the bonds not being sufficient to meet the Government's claim. Ought not the committee to take some action toward requiring a different kind of bond that shall be given in the future, so that it will meet the losses that occur? There have been quite a number of other losses of different natures not covered by this bill. This bill alone covers about $69,000. It does seem to me that the Government ought not to be losing these big amounts of money every year through the dishonesty of some of its officers.

Mr. SNELL. I do not think there are a great many of them.

Mr. BLANTON. Oh, there are a great many that are not covered by the gentleman's bill.

Mr. SNELL. Not very many, so far as I know, that come to our committee.

Mr. BLANTON. They have not yet come to the gentleman's committee, and that is the reason.

Mr. SNELL. This bill covers everything of that nature in the War Department up to the time they sent it up here, and that was last fall.

Mr. BLANTON. I think the committee ought to take some action toward getting a different kind of bond which shall be given in the future, so that the Government would be made whole.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Fifteenth. Relief of Capt. Lewis J. Emery, Quartermaster Officers' Reserve Corps, United States Army: That the Comptroller General of the United States is hereby authorized and directed to pay to Capt. Lewis J. Emery, Quartermaster Officers' Reserve Corps, the sum of $139, being the value of silver coins lost through unavoidable accident during the transfer of funds at Cristobal, Canal Zone, on August 6, 1917, for which the said Captain Emery was accountable.

Sixteenth. Relief of Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Infantry, United States Army): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Infantry) the sum of $620, representing public funds which were stolen from him on or about August 9, 1918, and to reimburse him in such amount as he has refunded to the United States to make good the loss of these public funds.

Seventeenth. Relief of Maj. Powell C. Fauntleroy (now colonel), Medical Corps, United States Army: That the Comptroller General of the United States is hereby authorized and directed to pay to Maj. Powell C. Fauntleroy (now colonel), Medical Corps, the sum of $601.40, being the amount of money expended by him from an allotment of funds of the Quartermaster Corps, 1913, furnished him for the purpose of paying expenditures incurred as an official observer of the War Department of the Turko-Balkan War, and which amount was deposited by him in the Treasury of the United States from private funds.

Eighteenth. Relief of Capt. Thomas Feeney, Cavalry, United States Army (now sergeant, detached enlisted men's list): That the Comptroller General of the United States is hereby authorized and directed to pay to Capt. Thomas Feeney, Cavalry (now sergeant, detached enlisted men's list), the sum of $7.50, being the amount that he paid on or about November 29, 1919, from private funds toward settling a claim for civilian clothing furnished general prisoners upon their discharge at war prison barracks No. 2, Fort Oglethorpe, Ga., in excess of the amount authorized for such clothing at that time.

Nineteenth. Relief of Capt. Frank Geere, Quartermaster Corps, United States Army (now major, Coast Artillery Corps): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Frank Geere, Quartermaster Corps (now major, Coast Artillery Corps), the sum of $29, being the amount found by him to be deficient in a shipment of $116,000 received on or about August 26, 1916, from the subtreasury at New Orleans, La., for which the said Captain Geere was accountable, and which amount of $29 he has refunded to the United States to make good the shortage in these public funds.

Twentieth. Relief of Lieut. John H. Hall, Thirty-third Infantry, United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse First Lieut. John H. Hall, Twenty-third Infantry, in the sum of $200, representing public funds which were lost by him on or about July 6, 1918, while crossing the Aguadulce River, Panama, and refunded by him to the United States to make good the loss of these public funds.

Twenty-first. Relief of Matthew E. Hanna (formerly captain, Tenth Cavalry, United States Army): That the Comptroller General of the United States is hereby authorized and directed to pay to Matthew E. Hanna (formerly captain, Tenth Cavalry) the sum of $532.18, being the amount of money expended by him as special disbursing agent from an allotment from the appropriation for contingencies of the Army, 1912, to pay the unusual and extraordinary official expenses of the special mission of Army officers detailed by the President and the Secretary of War to witness the autumn maneuvers of the German Army in 1911, and which amount was deposited by him in the Treasury of the United States from private funds.

Twenty-second. Relief of Capt. John Heilich (now technical sergeant), Quartermaster Corps, United States Army: That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. John Heilich (now technical sergeant), Quartermaster Corps, the sum of $34,000, representing public funds for which he was accountable, which were stolen on or about December 10, 1919, and to reimburse him in such amount as he has refunded to the United States to make good the theft of these public funds.

Twenty-third. Relief of Clarence W. Hagen (formerly a private, Machine Gun Company, One hundred and sixty-first Infantry, United States Army): That the Comptroller General of the United States is hereby authorized and directed to pay to Clarence W. Hengen (formerly a private, Machine Gun Company, One hundred and sixty-first Infantry), the sum of $55, being the amount due him for pay as private, Machine Gun Company, One hundred and sixty-first Infantry, for the months of November and December, 1917, and January, 1918, which amount was mailed to him in the form of a check on or about February 21, 1918, but was never received.

Mr. SNELL. Mr. Speaker, on page 11, line 4, I move to strike out the word "Hagen" and insert the word "Hengen."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 11, line 4, strike out the word "Hagen" and insert the word "Hengen."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Twenty-fourth. Relief of Fred S. Johnston (formerly captain and supply officer, One hundred and eightieth Regiment of Infantry, United States Army): That the Comptroller General of the United States is hereby authorized and directed to pay to Fred S. Johnston (formerly captain and supply officer, One hundred and eightieth Regiment of Infantry), the sum of $68, in full payment of all claims against the Government for reimbursement on account of newspaper advertisements of proposals for bids for forage supplies for the use of the Third Regiment New York Volunteer Infantry, National Guard, United States Army, at Rochester, N. Y., from April 26 to May 8, 1917, said advertisements having been published on the order of said Capt. Fred S. Johnston without specific authority of law or departmental orders.

Twenty-fifth. Relief of Warrant Officer James Kelly (formerly major, Signal Corps), United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse Warrant Officer James Kelly (formerly major, Signal Corps), in the sum of $3,029.46, being public funds for which he was responsible when a major, Signal Corps, acting as a financial agent at Port Newark, N. J., which were stolen between October 22, 1919, and January 31, 1920, and which he has refunded to the United States to make good the theft of these public funds.

Twenty-sixth. Relief of Capt. Harold Kernan, Field Artillery, United States Army: That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Harold Kernan, Field Artillery, the sum of $3,426, representing public funds for which he was accountable and which were stolen in October, 1919, from an enlisted man serving under him; and to reimburse the said Captain Kernan in such amount as he has refunded to the United States to make good the theft of these public funds.

Twenty-seventh. Relief of Lieut. Col. Henry Jervey, Corps of Engineers, United States Army (now brigadier general): That the Comptroller General of the United States is hereby authorized and directed to remove in the accounts of Lieut. Col. Henry Jervey, Corps of Engineers (now brigadier general), a disallowance of $24, representing public funds for which he was accountable, which were disbursed by him under an implied contract to certain Engineer Department employees, who, in the interest of navigation and under emergent conditions, were urged to work on double pay, and did so work on April 15, 1915, a day designated by Executive order of April 13, 1915, as a public holiday; and to refund to him the sum of $24, which he has deposited in the Treasury of the United States on account of said disallowance.

Twenty-eighth. Relief of Nelson Keys (formerly second lieutenant, Infantry, United States Army): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Nelson Keys (formerly second lieutenant, Infantry), the sum of $238.75, representing public funds for which he was accountable and which were lost through embezzlement by an officer on or about December 10, 1918, and through no fault of the said Nelson Keys; and to reimburse him in such amount as he has refunded to the United States to make good the loss of these public funds.

Twenty-ninth. Relief of Capt. James T. MacDonald, Quartermaster Corps, United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse Capt. James T. MacDonald, Quartermaster Corps, in the sum of $39.33, representing public funds for which he was responsible as agent officer, which were stolen on or about April 8, 1920, and refunded by him to the United States to make good the theft of these public funds.

Thirtieth. Relief of Capt. Sherman Miles (now major), Field Artillery, United States Army: That the Comptroller General of the United States is hereby authorized and directed to pay to Capt. Sherman Miles (now major), Field Artillery, the sum of $57.95, being the amount of money expended by him as military attaché to the American Legation at Bucharest, Rumania, from an allotment of the appropriation "Contingencies, Military Information Section, General Staff Corps," 1913, and which amount was deposited by him in the Treasury of the United States from private funds.

Thirty-first. Relief of William D. Nicholas (formerly first lieutenant, Quartermaster Corps, United States Army): That the Comptroller General of the United States is hereby authorized and directed to reimburse William D. Nicholas (formerly first lieutenant, Quartermaster Corps), in the sum of $226.84, representing public funds for which he was accountable, which were lost by the cashing of a check between May 2, 1919, and August 4, 1919, for that amount on a forged indorsement, and since refunded by him to make good the loss of these public funds.

Thirty-second. Relief of Lieut. Col. Mason M. Patrick (now colonel), Corps of Engineers, United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse Lieut. Col. Mason M. Patrick (now colonel), Corps of Engineers, in the sum of $6.80, being the amount paid by him from private funds for the insertion in certain newspapers of an advertisement in October, 1912, inviting public bids for the privilege of importing into the United States power generated in Canada from the waters of the Niagara River.

Thirty-third. Relief of Alexander Perry (formerly captain, Coast Artillery Corps, United States Army): That the Comptroller General of the United States is hereby authorized and directed to reimburse Alexander Perry (formerly captain, Coast Artillery Corps), in the sum of $1,521.84, representing public funds for which he was accountable which were lost on the United States Army transport *Princess Matoika*, between December 9, 1919, and January 31, 1920, and which he has refunded to the United States to make good the loss of these public funds.

Thirty-fourth. Relief of Capt. Charles F. Risler, Ordnance Department, United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse Capt. Charles F. Risler, Ordnance Department, in the sum of $57, being the amount paid by him from private funds for advertising on July 7, 1919, the sale of surplus ordnance supplies.

Thirty-fifth. Relief of First Lieut. Matthew E. Saville, Tenth Infantry, United States Army (now colonel, retired): That the Comptroller General of the United States is hereby authorized and directed to pay to First Lieut. Matthew E. Saville, Tenth Infantry (now colonel, retired), the sum of $1,369.55, representing public funds for which he was accountable, which were embezzled by John G. Hewitt between August 7, 1897, and August 14, 1897, and refunded by the said Lieutenant Saville to the United States to make good the loss of these public funds.

Thirty-sixth. Relief of John Schmidt, Fort Leavenworth, Kans.: That the Comptroller General of the United States is hereby authorized and directed to refund to John Schmidt the sum of $216.75, being equitably due him on account of the cancellation by the United States on November 1, 1917, of a contract granting him the privilege of grazing stock on a certain portion of the Fort Leavenworth Military Reservation for one year from July 1, 1917.

Thirty-seventh. Relief of First Lieut. Turner R. Sharp (now captain), Quartermaster Corps, United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse First Lieut. Turner R. Sharp (now captain), Quartermaster Corps, in the sum of $187.40, being public funds for which he was responsible as agent officer, $115.90 of which was stolen on or about November 3, 1920, and $71.50 of which was stolen on or about December 3, 1920, the entire amount ($187.40) of which has been refunded by him to make good the loss of these public funds.

Thirty-eighth. Relief of Lieut. Col. George O. Squier, Signal Corps (now major general), United States Army: That the Comptroller General of the United States is hereby authorized and directed to pay to Lieut. Col. George O. Squier, Signal Corps (now major general), the sum of $41.46, being the amount of money expended by him as military attaché to the American Embassy at London from an allotment of the appropriation, "Contingencies, Military Information Section, General Staff Corps," 1913 and 1914, and which amount was deposited by him in the Treasury of the United States from private funds.

Thirty-ninth. Relief of Acting Dental Surgeon William A. Squires (now major, Dental Corps), United States Army: That the Comptroller General of the United States is hereby authorized and directed to reimburse Acting Dental Surgeon William A. Squires (now major, Dental Corps), in the sum of $290.79, being the amount paid by him for rental of quarters, heat, and light during the fiscal years 1914 and 1915, while an acting dental surgeon in the service of the United States.

Fortieth. Relief of Nellie Swords, of Nashville, Tenn.: That the Comptroller General of the United States is hereby authorized and directed to pay to Nellie Swords, of Nashville, Tenn., the sum of $140, as damages to growing crops caused in or about August, 1917, by stock belonging to the Government under control of the First Tennessee Infantry, payment to be made from the appropriation for claims for damages to and loss of private property.

The SPEAKER. Without objection, in line 14, page 18, the word "in" will be changed to the word "on."

There was no objection.

The Clerk read as follows:

Forty-first. Relief of Delmale A. Teller (formerly captain, Quartermaster Corps, United States Army): That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Delmale A. Teller (formerly captain, Quartermaster Corps), the sum of $770, representing public funds for which he was accountable and which were stolen on or about January 31, 1919; and to reimburse him in such amount as he has refunded to the United States to make good the theft of these public funds.

Forty-second. Reimbursement for rental of quarters: That the Comptroller General of the United States is hereby authorized and directed to pay the following-named officers, United States Army, the amounts set opposite their respective names, being, in each instance, for rental of quarters for his use in the service of the United States for the periods, and while stationed at the places named: To Capt. Francis J. Baker, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 15, 1912, to June 30, 1913, while stationed at Vancouver, Wash., the sum of $141; to Capt. Stephen R. Beard, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 30, 1912, to June 30, 1913, while stationed at Fort Worden, Wash., the sum of $168.80; to Capt. Horace G. Foster, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 13, 1912, to January 13, 1914, while stationed at the Presidio of San Francisco, Calif., the sum of $350.48; and to Capt. Hastie A. Stuart, Finance Department (formerly pay clerk, Quartermaster Corps), for rental from November 30, 1912 to June 30, 1913, while stationed at the Presidio of San Francisco, Calif., the sum of $182.40, which amounts were paid by the officers named from private funds; in all, the sum of $842.68.

Forty-third. For the relief of Maj. George M. Watson, Finance Department: That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to Maj. George M. Watson the sum of $398.54, covering loss sustained by him through the cashing of three forged final statements, which transaction was not caused through the negligence of Major Watson, but was only made possible because of the conditions existing at the time, owing to the sudden discharge of large numbers of enlisted men.

Mr. KLINE of Pennsylvania. Mr. Speaker, I move to amend in line 3, page 20, by striking out the capital letter "M" and inserting in lieu thereof the capital letter "N," and in line 6, page 20, to strike out the capital letter "M" and insert in lieu thereof the capital letter "N."

The SPEAKER pro tempore (Mr. TILSON). The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as follows:

Forty-fourth. Medical services and hospital care rendered George Vay, injured seaman: That the Comptroller General of the United States is hereby authorized and directed to pay to St. Francis Hospital, Newport News, Va., the sum of $47.90, and to Dr. S. W. Hobson, Newport News, Va., the sum of $56, being for hospital care and medical services rendered George Vay, seaman, injured on February 12, 1913, while in line of duty; in all, the sum of $103.90.

Forty-fifth. Reimbursement for quarters rented by officers: That the Comptroller General of the United States is hereby authorized and directed to pay to the following-named officers, United States Army, the amounts set opposite their respective names: To Lieut. George D. Graham, Medical Corps (now lieutenant colonel, Dental Corps), the sum of $301.20; to Capt. Edward D. Kremers, Medical Corps (now major, Dental Corps), the sum of $340; to Capt. Larry B. McAfee (now major), Medical Corps, the sum of $293; to Capt. Laertus J. Owen (now lieutenant colonel), Medical Corps, the sum of $171.67; to Lieut. Col. Frederick P. Reynolds (now colonel), Medical Corps, the sum of $323.90; to Capt. Adam E. Schlanser (now major), Medical Corps, the sum of $278; and to Jay D. Whitham (formerly major, Medical Corps), the sum of $86.80, being the amounts paid by them for commutation of quarters and afterwards refunded by them from their private funds; in all, the sum of $1,814.57.

Mr. KLINE of Pennsylvania. Mr. Speaker, I have a committee amendment which I desire to offer. In line 3 page 21, the word "dental" should be changed to the word "medical."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 3, strike out the word "dental" and insert in lieu thereof the word "medical."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KLINE of Pennsylvania. Mr. Speaker, on page 21, line 13, I move to strike out "$1,814.57" and insert in lieu thereof "$1,794.57."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 13, strike out "$1,814.57" and insert in lieu thereof "$1,794.57."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Forty-sixth. Payments for advertising: That the Comptroller General of the United States is hereby authorized and directed to pay to the following-named newspapers and publishing companies the amounts hereinafter stated, being, in each instance, equitably due them for official advertisements ordered without prior written authority from the Secretary of War: To the Charleston American, Charleston, S. C., the sum of $38.40, for advertising in October, 1919; to the Dispatch Printing Co., St. Paul, Minn., the sum of $60.48, for advertising in October, 1919; to the Evening Post Publishing Co., Charleston, S. C., the sum of $40.32, for advertising in October, 1919; to the Montgomery Advertiser, Montgomery, Ala., the sum of $16.75, for advertising in April, May, and June, 1918; to the Montgomery Journal Publishing Co., Montgomery, Ala., the sum of $10.20, for advertising in April and May, 1918; to the Newburgh News Printing & Publishing Co., Newburgh, N. Y., the sum of $27, for advertising in July, 1919; to the New York Evening Journal, New York City, the sum of $420, for advertising in September, 1919; to the Spokesman-Review, Spokane, Wash., the sum of $23.40, for advertising in October, 1919; to the Stivers Printing Co., Middletown, N. Y., the sum of $22.50, for advertising in July and August, 1919; to the Times Publishing Co., Montgomery, Ala., the sum of $4.60, for advertising in May and June, 1918; to the Trenton Times, Trenton, N. J., the sum of $13.44, for advertising in November, 1919; and to the Waterbury Republican, Waterbury, Conn., the sum of $22.50, for advertising in October, 1919; in all, the sum of $686.24.

Mr. KLINE of Pennsylvania. Mr. Speaker, on line 19, page 22, after the word "of," I move to strike out "$686.24" and insert in lieu thereof "$699.68."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 19, strike out "$686.24" and insert in lieu thereof "$699.68."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the amendment. Under what authority were these advertisements made in these various newspapers all over the United States?

Mr. SNELL. If the gentleman had been here when I made my statement, he would have understood that the reason they had to come here is because they were inserted without authority by the commanding general. They were not in strict accordance with the laws of the War Department, and for that reason the Comptroller General would not pay them.

Mr. BLANTON. They were not, in fact, authorized Government business?

Mr. SNELL. Oh, absolutely; they were for Government business, and the Government had the full benefit of everything connected with it, and they had the approval of everybody in connection with the United States Government, but there was a technicality, as I explained, and the Comptroller General would not pay them. That is the reason they are here for authorization.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the table the bill H. R. 13660, the District of Columbia appropriation bill, with Senate amendments, disagree to the Senate amendments, ask for a conference, and that the Speaker appoint the conferees.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take from the table the District of Columbia appropriation bill, disagree to the Senate amendments, and ask for a conference, and that the Speaker appoint the conferees.

Mr. PARKS of Arkansas. Mr. Speaker, reserving the right to object, as I understand, yesterday the statement was made that no business would be transacted except these private pension claims and these other claims. I am not just sure, but if that is true it occurs to me that this matter ought not to be called up to-day.

Mr. CRAMTON. I will say to the gentleman that I was not present when such an agreement was made, and if such an agreement was made——

Mr. PARKS of Arkansas. The statement was made——

Mr. BLANTON. But a conference report is in order to be called up at any time.

The SPEAKER pro tempore. It has been the custom of the House to give the right of way to conference reports.

Mr. BLANTON. Reserving the right to object, I want to ask this question, Mr. Speaker. Knowing the gentleman as well as I do, it is hardly necessary, but is the gentelman going to permit all of these various increases to stay in this bill?

Mr. CRAMTON. Not unless the House forces me to do so.

Mr. BLANTON. The attitude of the gentleman is to cut out every one of these amendments?

Mr. CRAMTON. I would not want to say I could accomplish all of that.

Mr. BLANTON. But that will be the endeavor of the gentleman?

Mr. CRAMTON. I think the bill would be improved if that were accomplished.

Mr. BLANTON. I just want to say that unless the gentleman can keep them out, why the Members of this branch might just as well resign and go home and let the business be transacted at the other end of the Capitol.

Mr. CRAMTON. I appreciate there is some force in what the gentleman says.

The SPEAKER pro tempore. Is there objection. [After a pause.] The Chair hears none. Without objection, the Clerk will announce the conferees.

The Clerk read as follows:

Mr. CRAMTON, Mr. EVANS, and Mr. JOHNSON of Kentucky.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES S. FRIES.

The next bill in order on the Private Calendar was the bill (S. 2445) for the relief of Charles S. Fries.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4390. An act to amend the last paragraph of section 10 of the Federal reserve act as amended by the act of June 3, 1922.

S. 4346. An act granting the consent of Congress to the Delaware State Highway Department to construct a bridge across the Nanticoke River.

S. 4113. An act for the relief of Helene M. Layton.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico.

ALLOWING CREDITS IN THE ACCOUNTS OF CERTAIN DISBURSING OFFICERS, ETC.

The next business in order on the Private Calendar was the bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, before the objection stage is passed I think we ought to have some explanation of this omnibus claims bill from the chairman of the committee.

Mr. SNELL. Mr. Speaker, the general statement I made in connection with the first bill (H. R. 11397) will apply to this bill. These all came to the committee from the department at one time and in one bill, and I separated them into two bills for this reason: There was no money appropriated under House bill 11528. It is merely a bookkeeping proposition in the War Department and General Accounting Department. It is simply for the purpose of straightening out these individual accounts, and the department itself knows that these credits to these officers should be allowed, but on account of the technicalities of the law they can not do it, but these charges are so obviously wrong that the department has never tried to make the individual officers pay them back. But they need this authorization to balance the accounts of the officers and give them a clean record.

Mr. STAFFORD. I wish to direct the special attention of the chairman of the committee to the item No. 7, to Maj. Albert J. Bowley, credit in the sum of $301.27, now disallowed against him, which he expended during the period of July 1, 1912, to June 30, 1914, while serving as military attaché at Peking, China. The report shows as to this claim:

The remainder, $196.04, of the aforementioned $301.27 was paid as cost of exchange, and was disallowed for the reason that it did not represent the actual loss to the exchange, but was based on the rate stated on the Treasury Department circular prepared by the Director of the Mint.

Am I to understand from the statement in the report that you are going to allow this Major Bowley $196 in excess of what was the actual cost of the exchange?

Mr. SNELL. No. As I understand that is the rate they were paying at that time. That was the order from the department, and they complied with it.

Mr. STAFFORD. Oh, yes; but there is a certain rate of exchange which was in excess of the actual cost. He was only allowed in his credits the amount of the actual loss of the exchange expenses. Now——

Mr. SNELL. I do not understand it the same as the gentleman. I do not understand that he was allowed anything. The whole matter was the adjusting of necessary expenses that were incurred, and where more than the 7 cents per mile allowance under the law, which would have been manifestly unfair under the conditions.

Mr. STAFFORD. Well, I do not read the report that way. Of course, the gentleman reported the bill and he is better acquainted with the facts.

Mr. SNELL. This is an item that caused some trouble, but we thought, after full and careful consideration, that the officer was entitled to this allowance, and this position was concurred in by everyone acquainted with the facts. It is simply a matter of bookkeeping.

Mr. STAFFORD. Mr. Speaker, I have not analyzed all of these claims with a microscopic glass, but this item rather makes me skeptical as to whether all the claims are meritorious. I have great confidence in the chairman of the committee. He has stated on the floor that he has gone over these claims individually and passed upon them. If he believes they should be paid, I shall not set up my opinion against his superior knowledge.

Mr. SNELL. I am prepared to reiterate again that I have gone over these claims and, in the best of my judgment, these claims should be paid, and in making this statement I believe I am acting in the best interests of the Federal Government.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of the following-named disbursing officers of the Army of the United States, to allow credit in the sums herein stated now standing as disallowances in said accounts on the books of the General Accounting Office:

First. Brig. Gen. Frederick V. Abbot, Corps of Engineers (now colonel, retired), credit in the sum of $509, now disallowed against him, covering expenses for board and lodging paid by him in excess of $1 per day to civilian employees of the Engineer Department, at Tobyhanna, Pa., engaged on work done under urgent military necessity, which required immediate action to secure and place in the field the necessary forces to survey a certain territory and prepare maps and plans of same in order to provide sites for encamping and training troops.

Second. Maj. (now Colonel) George G. Bailey, Quartermaster Corps, credit in the sum of $137.09, now disallowed against him, which he expended in 1909 and 1910.

Third. First Lieut. Joseph H. Barnard, Fifth Cavalry (now major, Quartermaster Corps), credit in the sum of $4,555.06, now disallowed against him, which he expended for supplies furnished a students' military camp at Ludington, Mich., July, 1914.

Fourth. Maj. John E. Baxter, Quartermaster Corps (now colonel, retired), credit in the sum of $18.96, now disallowed against him, which he expended during the period from May, 1908, to February, 1909.

Fifth. Brig. Gen. Theodore A. Bingham, Corps of Engineers (now brigadier general, retired), credit in the sum of $274, now disallowed against him, covering expenses for board and lodging paid by him in excess of $1 per day to civilian employees of the Engineer Department at Tobyhanna, Pa., engaged on work done under urgent military necessity which required immediate action to secure and place in the field the necessary forces to survey a certain territory and prepare maps and plans of same in order to provide sites for encamping and training troops.

Sixth. Maj. (now Lieut. Col.) Paul S. Bond, Corps of Engineers, credit in the sum of $287.04, now disallowed against him, which he expended in 1915.

Seventh. Maj. Albert J. Bowley, Field Artillery (now brigadier general), credit in the sum of $301.27, now disallowed against him, which he expended during the period from July 1, 1912, to June 30, 1914, while serving as military attaché at Peking, China.

Eighth. Capt. Laurence C. Brown, Artillery Corps (now colonel, Coast Artillery Corps), credit in the sum of $72, now disallowed against him, which he expended in 1910.

Ninth. Capt. Preston Brown, Eighth Infantry (now brigadier general), credit in the sum of $95.80, now disallowed against him, which he expended for supplies furnished a students' military camp at Asheville, N. C., July, 1914.

Tenth. Capt. Frederick W. Coleman, Quartermaster Corps (now colonel, Finance Department), credit in the sum of $12.90, now disallowed against him, which he expended in 1916.

Eleventh. Lieut. Col. (now Colonel) Herbert Deakyne, Corps of Engineers, credit in the sum of $45.85, now disallowed against him, which he expended in 1912 and 1914.

Twelfth. Lieut. Col. Thomas G. Hanson, Quartermaster Corps (now colonel, retired), credit in the sum of $181.26, now disallowed against him, which he expended in 1915.

Thirteenth. Maj. (now Colonel) Charles Keller, Corps of Engineers, credit in the sum of $6.75, now disallowed against him, which he expended in 1912.

Fourteenth. Lieut. Col. Isaac W. Littell, Quartermaster Corps (now brigadier general, retired), credit in the sum of $98.65, now disallowed against him, which he expended in 1909.

Fifteenth. Lieut. Col. T. Bentley Mott, Field Artillery (now colonel, retired), credit in the sum of $55.33, now disallowed against him, which he expended in 1911 while serving as military attaché, American Embassy, Paris.

Sixteenth. Capt. Terence E. Murphy, Coast Artillery Corps (now lieutenant colonel, retired), credit in the sum of $15.98, now disallowed against him, which he expended in 1915.

Seventeenth. Maj. Willard D. Newbill, Quartermaster Corps (now colonel, Field Artillery), credit in the sum of $40.19, now disallowed against him, which he expended in 1915.

Eighteenth. Maj. (now Colonel) Henry L. Newbold, Field Artillery, credit in the sum of $2,476.98, now disallowed against him, $319.37 of which he expended in 1911 and the remaining $2,157.61 in 1917, while serving as military attaché at Constantinople, Turkey.

Nineteenth. Maj. James E. Normoyle, Quartermaster Corps (now deceased), credit in the sum of $5, now disallowed against him, which he expended in 1913.

Twentieth. Maj. Harry L. Pettus, Quartermaster Corps (now deceased), credit in the sum of $1,545, now disallowed against him, which he expended for services and materials in cutting and setting one granite memorial tablet in the Army War College, Washington, D. C., which work was authorized by the Secretary of War under date of June 20, 1911.

Twenty-first. First Lieut. Walter C. Short, Sixteenth Infantry (now major of Infantry), credit in the sum of $531, now disallowed against him, which he expended in 1916 for the purchase of two motor cycles required for the efficient and economical management of a school of musketry at Fort Sill, Okla.

Twenty-second. Capt. (now Colonel) David L. Stone, Infantry, credit in the sum of $1,191, now disallowed against him, which he expended in good faith, but in excess of the amount authorized by law, in the construction of four buildings at Fort Sill, Okla., in 1911.

Twenty-third. Capt. Arthur P. Watts, Quartermaster Corps (now lieutenant colonel of Infantry), credit in the sum of $660.11, which he expended in 1913 and 1914 for electric current furnished houses leased for officers at Fort Bliss, Tex.

Twenty-fourth. Capt. (now Colonel) Briant H. Wells, Infantry, credit in the sum of $171, now disallowed against him, which he expended in September and October, 1912, for the hire of transportation for the use of certain officers while engaged in military map work.

Twenty-fifth. Capt. Orrin R. Wolfe, Quartermaster Corps (now colonel of Infantry), credit in the sum of $40, now disallowed against him, which he expended in 1911.

With a committee amendment as follows:

Page 2, line 19, in the fourth item, strike out the word "February" and insert in lieu thereof the word "March."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SNELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN F. HOMEN.

The next business on the Private Calendar was the bill (H. R. 7322) for the relief of John F. Homen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John F. Homen, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full settlement of his claim against the Government of the United States for the serious injury caused by being struck by a Government truck operated by a soldier of the United States Army on July 4, 1919, in San Antonio, Tex.

With a committee amendment as follows:

Line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$2,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANCES MARTIN.

The next business on the Private Calendar was the bill (H. R. 10047) for the relief of Frances Martin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. RICKETTS. Mr. Speaker, I hope the gentleman from Wisconsin will not object to this bill. During my service in the House, I have introduced but one bill referred to this committee.

The SPEAKER pro tempore. Does the gentleman from Wisconsin withhold his objection?

Mr. STAFFORD. Yes; I will withhold.

Mr. RICKETTS. Mr. Speaker, in 1918, an epidemic of the flu broke out in this country, and at that time there were thousands of soldiers in training at Camp Sherman, down in Ross County, Ohio, in the district I have the honor to represent. Many of those soldiers were afflicted with this disease. They died at the rate of about 160 per day, and the undertakers and embalmers down there were so overtaxed that they could not take care of the bodies of the deceased soldiers to save their lives. I saw with my own eyes the bodies of 500 dead soldiers piled up in a livery stable in Chillicothe because the embalmers

and undertakers could not take care of these bodies and prepare them for burial. The War Department was unable to cope with the situation. An Army officer was sent to Columbus, Ohio, to solicit embalmers and undertakers, and Peter Leslie Martin, an undertaker, 32 years of age, residing there, volunteered to go down there and render service. He did render effective service, but after several days he became infected with blood poisoning. Several months afterwards he died of the disease he had contracted, and left a wife and a little boy 11 years old without a dollar in the world to live upon, whereas, when he went down to Chillicothe, he was receiving a salary of $4,000 a year. If it had not been for the service he rendered to the country and to the War Department in that epidemic, he would to-day, no doubt, be living and be drawing $4,000 a year and be able to take care of his wife and child. But he is gone, never to return, and his good wife and little son are bereft of his care and support. Now, the committee has considered this bill twice. They reported it out once before, but it was not reached on the calendar, and, consequently, was not considered. It is here before the House to-day by the unanimous report of the committee, and I sincerely hope that the gentleman from Wisconsin will withdraw his objection. It is a meritorious case if there ever was one.

I think the committee in awarding the sum of $5,000 has given this widow a very small amount in comparison with the great loss she sustained in the death of her husband who, prompted by his patriotism, went down to that camp and rendered this very valuable service to the country in its distress.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. BLANTON. How much is given by the bill?

Mr. RICKETTS. Five thousand dollars. I think she ought to have had $10,000. That poor woman has been working here and there and yonder and everywhere, trying to support herself and her child. Her husband was only 32 years of age. In the prime of life, but she has lost his services because of his loyalty to his country in time of stress.

Mr. BLANTON. We have just reimbursed a man in San Antonio for injuries received by being hit by a Government truck. Shall we not reimburse this widow?

Mr. RICKETTS. There is no reason why we should not. There is no question about the proof in this case. It is absolutely established here beyond question that this man rendered the service, and was rather pressed into the service by an Army officer, and died from the effect of the disease incurred while performing this service.

The gentleman from Wisconsin [Mr. STAFFORD] has objected to the consideration of this claim, but in order to give me time to make a statement with reference thereto he has reserved his right to object. I sincerely hope that he will not make an objection to the consideration of this bill at this time. This poor woman and little son need this money badly, and while there is no legal obligation on the part of the Government to pay the amount allowed by this committee to this mother and son, yet equity demands that justice be done in the premises.

The Government of the United States received the service. The service was necessary. It was rendered at the time of its greatest crisis. The Congress has been passing bills of similar nature, and there is ample precedent for the consideration and passage of this bill, and I urge upon you, gentlemen of the House, and especially upon the gentleman from Wisconsin [Mr. STAFFORD], that the bill be given due and proper consideration and that same may be passed at this time.

Mr. SNELL. Mr. Speaker, I should like to say just a word about this claim in particular and claims of this character. Originally, when this claim was reported in the Sixty-sixth Congress, I opposed it. I was a member of the committee at that time. But during the Sixty-sixth Congress and also so far during this Congress I have found that the Congress itself has adopted a very generous policy in dealing with claims of this character. In the early part of the session when claims of this character were taken up on the Private Calendar I raised the point on the floor of the House each time that there were several claims of similar nature before the War Claims Committee and I was holding them until the House itself made up its mind what its policy would be in regard to similar claims. Each time I called the attention of the House to it. This is one of the best claims of that character that has come before this House, either this year or in the Sixty-sixth Congress.

The statement of facts is exactly as the gentleman from Ohio [Mr. RICKETTS] has put them before you. And considering the fact that we have been very generous in passing claims of this character where perhaps there is no legal liability on the part of the Government, and as long as we have adopted this policy and have done it in several other cases and probably will do it in several more, it is my judgment that this claim should be considered and passed at this time. The committee has reduced it from $25,000, as offered in the original bill, to $5,000, and I shall urge that amendment if the bill is considered.

Mr. WATSON. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Pennsylvania.

Mr. WATSON. Did the Government promise this man compensation when he offered his services?

Mr. SNELL. The Government did not promise him a single penny. The Army officers testified that they went to get undertakers, and several of them stated that if they could not get them to volunteer they were going to bring them any way.

Mr. WATSON. He voluntarily offered his services?

Mr. SNELL. These Army officers went up there and told him the condition, and he and two or three others from this same town of Columbus, Ohio, offered their services and went down and did the work.

Mr. SANDERS of Indiana. For that reason he was entitled to more credit, as far as that is concerned.

Mr. SNELL. And afterwards the Army officer said, "I was going to take you anyway if you had not offered your services."

Mr. STAFFORD. Mr. Speaker, under the reservation of objection, I wish to say that there are facts in this case which differentiate it from others. That is, this man might not be considered an independent contractor. He was in the undertaking business and he received pay as a result of his service. If I were certain that this man contracted with the Government to do this work and suffered loss as a result of his individual work, I should feel constrained to insist upon the objection. But I wish to take as liberal a view of these cases as possible consistent with the practice that has been indulged in, and also desiring not to establish a precedent when it is likely to haunt us.

If this case goes by, it will go by with the understanding, so far as I am concerned, that this man was not an independent contractor of the Government and did not suffer injury while doing some work connected with that independent contract, but that he was virtually commandeered to perform a humanitarian duty to the Government to aid them in providing for the burial of these thousands of soldier boys who were stricken with the "flu" at Camp Sherman, at Chillicothe, Ohio.

Mr. SNELL. I can assure the gentleman that if these people had not volunteered the Army officers were authorized by the commandant of the camp to take them down there.

Mr. STAFFORD. That differentiates this case from the kind of case that I was speaking of. If it was an individual contractor I should not be willing to allow the precedent to be established, that when a person undertakes employment with the Government and suffers an injury he or his next of kin have a claim against the Government for compensation. Under the circumstances stated by the author of the bill, and with the understanding that the committee amendment will be agreed to and the original amount of $25,000 reduced to $5,000, I will withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Frances Martin, widow of Peter Leslie Martin, of Logan, Hocking County, Ohio, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $25,000 as compensation and relief for the loss by death on March 31, 1919, in Grant Hospital, Columbus, State of Ohio, of her husband, Peter Leslie Martin, who, on October 5, 1918, volunteered his services as an undertaker to the Government during the epidemic of influenza, at which time he went to Camp Sherman, in the State of Ohio, to assist in taking care of the bodies of the soldiers, who died in great numbers by reason of said epidemic; and that during the discharge of his duties he became infected with blood poisoning, from which he died.

With the following committee amendment:

On page 1, line 7, strike out "$25,000" and insert "$5,000."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWIN GANTNER.

The SPEAKER. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (S. 2556) for the relief of Edwin Gantner.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CLARKE of New York. I should like to have some explanation of this bill.

Mr. HAYDEN. I reported this measure from the Committee on the Public Lands, and I shall be very glad to explain the purpose of the bill. Its introduction was recommended by the Interior Department, and it was favorably reported upon by the department after being introduced by Senator KENDRICK. The returned soldier who entered this land became totally disabled, and is now in a hospital. It is therefore impossible for him to comply with the requirement of residence. He must comply with all the other provisions of the homestead law, and the record shows that he has already expended over $800 on the development of this claim.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to issue a patent to Edwin Gantner upon homestead entry, Newcastle 025304, embracing the west one-half section 26, and the north one-half section 27, township 52 north, range 74 west, sixth principal meridian, made by said Edwin Gantner, without requiring further residence.

The SPEAKER pro tempore (Mr. MADDEN). The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

FANNY M. HIGGINS.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

The next business on the Private Calendar was the bill (H. R. 1750) for the relief of Fannie M. Higgins.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. BLAND of Virginia. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold the objection to allow the gentleman to make a statement.

Mr. BLAND of Virginia. My purpose in making a statement is to try to induce the gentleman to withdraw his objection to the bill, so that it may be passed to-day. I did not know anything about the bill before reading the report; but upon reading the report and upon an examination of the affidavits it appears to me that there was clearly negligence on the part of the driver of the automobile which struck Mr. Higgins, who was killed, and for whose widow relief is sought here. Now, I want to call the gentleman's attention to this: I understand that a bill was passed a moment ago that was based on substantially the same facts.

Mr. STAFFORD. We do not want to extend this discussion too long. The report shows that the injured person failed to exercise reasonable care. If he had been exercising reasonable care I would interpose no objection.

Mr. BOX. If the gentleman will yield, the facts are that this man, the deceased, walked into the street in the dark; it was foggy and rainy in the early morning. To his left, some distance away, he saw the headlights of an automobile which was being carelessly driven without the driver keeping a lookout. It was not moving toward the point where the collision occurred. The only negligence was by the man being in the street when there was an automobile coming up the street. When he got near the street-car track the automobile, which had been driving halfway between the track and the curb because of another vehicle appearing in the street, turned to the left of the course it had been going, and turned to the left quickly and struck him.

I know that one of the Army authorities, probably General Crowell, in reviewing the report, said that he was guilty of negligence. I went over the facts very carefully, and I find absolutely no fact that warrants the conclusion that he was negligent. I would like to have the gentleman indicate one act of the deceased showing that he was guilty of any negligence.

Mr. STAFFORD. In the case of the deceased, who was a Government employee——

Mr. BLAND of Virginia. Oh, no; he was working at the Potomac yards.

Mr. STAFFORD. Then I am in error as to that, but prior to the accident he was found to have incipient tuberculosis. He was not killed outright, he lived for some time after the accident. The report shows that the accident may have accentuated his tubercular trouble. I rely, as the gentleman has stated, upon the statement of the Acting Secretary of War, General Crowell, in his letter of April 1, 1920, in which he says this:

The attached papers indicate very clearly that Mr. Higgins was partially responsible for the accident, and as his death was due partly to tuberculosis contracted prior to the accident, I am of the opinion that, although congressional action affording relief is just, the amount specified in the bill is an excessive compensation.

Mr. BLAND of Virginia. That was $10,000, and it has been reduced by the committee to $5,000.

Mr. BOX. Will the gentleman yield? The deceased had incipient tuberculosis some years before, which had been arrested. It was in the initial stage. It did not disable him.

Mr. BLAND of Virginia. Permit me to call attention to the report of Doctor Noland, who says:

Having treated J. H. Higgins at intervals for several years I am in a position to know his physical condition. Three or four years ago I had occasion to examine above named and found him suffering with a very slight chronic fibroid phthisis, determined only after microscopic examination of sputum. This condition, apparently, in the years following was causing no ill effects, as he was able to work every day. He was injured and died from acute tuberculosis. The injury to his chest could very easily have broken the fibrous capsule, allowing the bacilli free access to lung tissue, and owing to the resulting poor resisting powers of body had full sway to do its damage; that is, the involvement of new sound lung tissue with an acute tuberculosis arising causing death.

Had it not been for the injury he would to-day have been in comparatively good health, performing his duties, and lived indefinitely.

Mr. BOX. There are many other facts in the record pointing in the same direction. The deceased had worked 308 days the preceding year, 304 days the preceding year to that, and he had worked regularly for some years. He was strong, and there was no disability, no loss of time. After the injury, which broke a leg, split the bone near the ankle, injured him in the breast, he was confined in the hospital for some months. While wounded and disabled acute tuberculosis developed. All of these facts have been gone into thoroughly, and I would be glad if the gentleman from Wisconsin would permit the case to be considered. I think it is meritorious.

Mr. STAFFORD. As to the facts which the gentleman asked me to state to warrant the conclusion that he was in no wise responsible for the accident, I wish to read this from the report:

Higgins saw the automobile approaching from some distance away when he was actually on the street in the act of crossing, but it was not then moving in the direction of the point at which it struck him and he paid no further attention to it.

He was on the south side of the crossing at Fourteenth and C Streets SW., attempting to get a car going south that would stop on the north side of the street. He saw the truck approaching. It was hazy and misty, but he made no attempt whatever to get out of the way.

Mr. BLAND of Virginia. It is an undisputed fact that Mr. Higgins was struck between the street-car tracks on the eastern side of Fourteenth Street. There is a double track on that street. The undisputed evidence is that when he saw the automobile coming it was halfway between the curb and the eastern rail of the nearest street-car track. If the automobile had continued in the direction in which he then saw it, it could not by any possibility have struck him. If the gentleman will permit, I will read what the driver of the automobile says in the statement that he made to Mr. Tyson, who investigated the accident for the War Department. He says:

Q. State the particulars of the accident that happened to J. H. Higgins, Washington, D. C.—A. I left Alexandria, Va., where I was stationed, about 5.50 or 6 a. m. to meet Captain White at Union Station, Washington, D. C., on January 2, 1919. It was between 6 and 6.30 a. m. when the accident occurred. It was dark and raining hard that morning, and water was running down the wind shield of my car. As I arrived at locality of accident, as shown on Exhibit A, a street car was coming south on Fourteenth Street SW., Washington, D. C., and was near B Street, or a half a block or more away. It had a very bright light and blinded me. I could only see a little directly in front of me. I glimpsed a bread wagon only about 10 yards ahead of me and turned quickly to the left to miss it. The bread wagon was going north and about ready to turn to right on C Street, as shown on Exhibit A. I was going north on Fourteenth Street and about halfway between the curb of street and first street-car track on right side of street. When I turned to miss the bread wagon I felt a jar and knew that I had struck something. I stopped as quick as possible, about the north corner of C and Fourteenth Streets, as marked on Exhibit A. After I stopped I backed a little to get off what was under my car, and he hallooed for me to stop, and I did. I got out and helped another man get him out and carry him in the house.

According to his testimony, immediately upon turning out from the direction in which he was going in order to pass that bread wagon he struck this man. His lights were burning; he did not blow his horn; he gave no signal; he was not looking out for a man crossing the street at a place where persons were reasonably and ordinarily expected to cross the street in order to take the street car on the other side.

Just one thing more. The evidence of an eyewitness is to the same effect, except that from his evidence and from other evidence it is clear that the bread wagon had turned into C Street, and was not in front of the automobile as it approached. The result is that there was nothing between the automobile and the injured man; there was no reason why the driver of this automobile, exercising the care that he should have been exercising, should not have seen that man.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BLAND of Virginia. Yes.

Mr. BLANTON. Is it not a fact in law that when it becomes apparent to a man driving a motor vehicle that he can not see in front of him if he continues he is guilty of gross negligence?

Mr. BLAND of Virginia. He must exercise that care and diligence which the conditions impose upon him and that this driver did not do.

Mr. STAFFORD. Mr. Speaker, supporting what I said a moment ago is the report of Judge Advocate General Crowder. In his report on this case, in a letter dated March 9, he states that the board of inquiry found that the driver was not at fault and that Higgins was at fault. I am accepting the report of the board of inquiry; and I object.

CLYDE STEAMSHIP CO., OF NEW YORK.

The next business on the Private Calendar was the bill (H. R. 11571) for the relief of the Clyde Steamship Co., of New York, N. Y.

The SPEAKER pro tempore (Mr. MADDEN). Is there objection to the present consideration of this bill?

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that this bill may be laid on the table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

J. W. GLIDDEN AND E. F. HOBBS.

The next business on the Private Calendar was the bill (H. R. 2702) for the relief of J. W. Glidden and E. F. Hobbs.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $267.32 to J. W. Glidden and E. F. Hobbs, of Lawrence, Kans., to reimburse them for money necessarily expended in connection with their contract with the Government for the improvement of Huron Cemetery, an Indian reservation in Kansas City, Kans., in defending their interests in suits brought by the Connelley sisters, Indian wards of the Government, to prevent them from carrying out their contract with the United States Government in improving the Huron Cemetery, in Kansas City, Kans.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSÉ A. DE LA TORRIENTE.

The next business on the Private Calendar was House joint resolution (H. J. Res. 47) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. José A. de la Torriente, a citizen of Cuba.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. José A. de la Torriente, a citizen of Cuba, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said José A. de la Torriente shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and the said José A. de la Torriente shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

Mr. BLANTON. Mr. Speaker, I desire recognition. I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, I do not know whether it will be wise or not, but under recent developments here in Washington it might be well to place some restriction upon this young man to make sure that he will not bring with him a supply of beverages the possession and use and sale of which is prohibited by law in this country. At least he ought to be made to understand that there is a law here that will prevent him from doing that, and that he is expected when he comes into this country to obey the law. If those from his country who are in higher authority permit gross disobedience of our law here in the Capital, it is not very far out of the range of possibility for underlings to do it.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEPHENS. We have information that this young man is a prohibitionist.

Mr. BLANTON. Then I withdraw the objection.

The SPEAKER pro tempore (Mr. CRAGO). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS, the motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

WILLEM VAN DOORN.

The next business on the Private Calendar was the resolution (H. J. Res. 281) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Md., Willem van Doorn, a subject of the Netherlands.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the joint resolution be laid upon the table, as it has already been agreed to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GREY SKIPWITH.

The next business on the Private Calendar was the bill (H. R. 6538) for the relief of Grey Skipwith.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, under reservation of objection, I think we should have some explanation of the reason why it is intended to give these gentleman an additional grade.

Mr. KRAUS. Mr. Speaker, I shall ask the gentleman from Virginia [Mr. MONTAGUE] to make the statement in regard to this bill, but before doing so I call the attention of the House to the fact that if there is one thing which the membership of the House Committee on Naval Affairs has opposed in almost every instance to my knowledge it is the advancement of men on the retired list. However, a study of the facts in this case I am confident will disclose that an error was made by the department authorities, and, as a matter of fact, when that man became eligible for retirement under the seniority rule in 1917 he was physically incapacitated and should at that time have been retired with the rank of commander.

Mr. STAFFORD. Why was he not retired at that time when he had the opportunity?

Mr. MONTAGUE. Because he was engaged in the service on the Pacific, and there was no physical way by which he could attend the retiring board.

There was no way he could be examined. The circumstances were beyond his control. We were in war. He could not get to the board. It is not his fault, and he was anxious to be examined.

Mr. McKENZIE. I desire to ask a question, and ask it for information, and perhaps the gentleman from Indiana can enlighten the committee. Was this officer retired for physical disability?

Mr. MONTAGUE. Yes.

Mr. McKENZIE. If he had had an opportunity to appear before the naval retiring board to take an examination——

Mr. MONTAGUE. I want the gentleman from Wisconsin to listen to this.

Mr. McKENZIE. Under the practice in the Navy, if he had failed on the examination he could have been promoted to the higher grade and retire.

Mr. MONTAGUE. Under the existing law, if he had gone before this board he would have retired in the grade we now ask, whether he failed or not. In other words, if he passed he would have been so retired, and if he failed, then, on account of physical infirmity, he would have been so retired. Simply because he could not appear before the board there results this injustice.

Mr. McKENZIE. I ask this question to bring out one point. I think the gentleman from Indiana is correct in this matter, and that is, the officer has been done an injustice under the existing law; but I do not contend, and I want to say now, not to affect this bill, because I do not think this man's right would be affected by it, but there is no question but the laws of retirement in the Navy should be revised.

Mr. BUTLER. Before we yield to my young colleague [Mr. VINSON], who has this bill in charge, I would like to say to the gentleman from Illinois, as well as the gentleman from Wisconsin, that all of these bills have been examined with great care. So far as I know it is the policy of the Committee on Naval Affairs not to promote men upon retirement unless there is some extraordinary reason why, and I think this is one of them. I yield to the gentleman from Virginia [Mr. MONTAGUE] to give the facts. I think an injustice has been done this man.

Mr. STAFFORD. Mr. Speaker, there may be in this case some special reason which warrants the granting of the additional grade to this officer, particularly due to the fact that he was engaged in service during the war, so I will not press the objection further, but there are some bills later on reported by the Committee on Naval Affairs that I do not think have the meritorious claim of this bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Lieut. Commander Grey Skipwith, Supply Corps, United States Navy, who was eligible for promotion to the grade of pay inspector with rank of commander prior to the 1st day of July, 1918, and who was subsequently found physically not qualified for promotion and then retired in the rank of lieutenant commander, shall be deemed to have been retired in the rank he would have attained if the act of the 1st of July, 1918, extending promotion by selection to the staff corps of the Navy had not been enacted.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

THEMIS CHRIST.

The next business in order on the Private Calendar was the bill (H. R. 8046) for the relief of Themis Christ.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, under the reservation of the objection, I think some explanation should be made of this bill.

Mr. VINSON. Mr. Speaker, it gives me much pleasure to give the gentleman from Wisconsin an explanation which will show this is a very meritorious bill. This bill was introduced by the chairman of the Committee on Naval Affairs [Mr. BUTLER], and unanimously reported by the subcommittee to the full committee, as you will find if you examine the record in the case. Themis Christ served 10 years as a carpenter on the U. S. S. *Hector* in the naval auxiliary service.

Mr. STAFFORD. May I inquire right there why he did not become a citizen until he was discharged from the naval service in 1917?

Mr. VINSON. Probably due to the reason he could not get an opportunity to make application——

Mr. STAFFORD. On the high seas for 10 years and not reaching port?

Mr. VINSON. Not by any means; but he is a citizen now; he applied for citizenship——

Mr. STAFFORD. After he was discharged?

Mr. VINSON. He filed his declaration in 1904 and did not get his papers until 1917. He enlisted in the service in 1907. He was injured in 1917, when the ship was sunk off the coast of Carolina. Under the pension laws he is not entitled to a pension, because the Naval Auxiliary Service are not enlisted in the service, so he is prevented from getting that benefit.

Mr. STAFFORD. I take it it is the purpose of the committee to have this compensation date from the time of the passage of the act?

Mr. VINSON. Of course, that is what it says.

Mr. STAFFORD. Where does it say so?

Mr. VINSON. The provisions of the act——

Mr. STAFFORD. It does not say so.

Mr. VINSON. The act does not give compensation except from the date of the enactment of the law here.

Mr. STAFFORD. I think we had better safeguard it, as it is the intention of the committee, I take it——

Mr. BUTLER. The gentleman is entirely within his privilege, of course. I introduced this bill because this man did not have anyone else to introduce it.

Mr. STAFFORD. As the gentleman has just stated, the compensation should date from the passage of the act.

Mr. BUTLER. If there is no objection, we can amend the bill right here.

Mr. STAFFORD. Is it not the intention of the committee to have this compensation date from the passage of this act?

Mr. BUTLER. I should say so.

Mr. STAFFORD. I am trying to ascertain the view of the Committee on Naval Affairs as to whether this should date from the passage of the act or be retroactive. Is that the intent of the committee?

Mr. BUTLER. Well, yes; it does that under the language of the bill and under the language of the act.

Mr. STAFFORD. Where does it say so in the language of the bill? I asked the gentleman before to point that out, but he did not.

Mr. KRAUS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KRAUS. I believe my colleague is exactly right, because the compensation this man will receive will not be under the war risk insurance act but under the employees' compensation act, where the compensation is due every month.

Mr. STAFFORD. Under the wording here he could receive this money from the time of the injury. The bill says "that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916." That is a construction this bill would have, to have a retroactive force going back to that time.

Mr. VINSON. Under the general law this man Themis Christ is not eligible to compensation. Therefore if you enact the law now, his eligibility will only date from the date of the passage of the act and not from the injury.

Mr. STAFFORD. Mr. Speaker, in order to avoid ambiguity and in view of the statements of all the members of the committee, I will offer an amendment later and will now withdraw the reservation of an objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Themis Christ for loss of his left leg while employed in the naval auxiliary service, as a result of the wreck of the U. S. S. *Hector*, in the year 1916, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: Page 1, line 10, after the word "sums," insert "to date from the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 10, after the word "sums," insert the words "to date from the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

A. E. ACKERMAN.

The next business on the Private Calendar was the bill (H. R. 6358) authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed to pay to A. E. Ackerman, late lieutenant (junior grade), Supply Corps, United States Naval Reserve Force, the pay and allowances of his rank for the period he performed active duty in the third naval district prior to the approval of his bond by the Secretary of the Navy.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALICE P. DEWEY.

The next business on the Private Calendar was the bill (H. R. 7921) granting six months' pay to Alice P. Dewey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. SWING. Mr. Speaker, will the gentleman withhold for a moment while I explain the provisions of this bill?

Mr. BLANTON. Yes; I will withhold.

Mr. SWING. Mr. Speaker, the deceased soldier, Rupert C. Dewey, was a lieutenant colonel in the United States Marine Corps, and died after having given the Government 20 years' service out of the best part of his life. For his efficiency he was commended in official orders. He left a widow and two small children for her to raise and educate, and very little, if any, means with which to take care of them.

You know how officers of the Army and Navy live; they are not able to save money during their active duty, and they look forward to the retired pay to take care of them in their old age. This man, although he had served 20 years already in the active service, never had the benefit of a day's pay on the retired list.

It is the policy of Congress, as declared in its laws, to give a gratuity to the widow of Army and Marine officers on the death of an officer in the Government service. It has been the law for a number of years.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. Is the gentleman in favor of giving six months' pay to the wife and children of every enlisted man who died during this interim?

Mr. SWING. What I want to show is simply——

Mr. BLANTON. Is the gentleman in favor of that?

Mr. SWING. I think I am.

Mr. BLANTON. He does not want to discriminate in favor of this one officer as against other officers and all enlisted men likewise affected during this period?

Mr. KRAUS. There is no discrimination. That is the law to-day.

Mr. BLANTON. What is the law to-day?

Mr. KRAUS. The next of kin of deceased enlisted men and officers gets six months' pay.

Mr. SWING. If dependent.

Mr. KRAUS. Yes; if dependent.

Mr. SWING. This policy had been declared by Congress a good many years ago. Then when the war broke out they passed the war risk insurance act, and it was held that the provisions therein made superseded this provision, because those who died during the World War would, of course, be taken care of under that act.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. Here are the facts: There is an interim of two years during which the dependents of officers and of enlisted men in the marine service do not receive a six months' gratuity. This is one of the officers who died during that two years' interval. There are other men, enlisted men, who died during that interim whose dependent relatives, wife and little children, are just as much entitled to this six months' gratuity as this officer's wife and children. Why does not the gentleman have a general law passed that will cover this two years' interim for all such officers and enlisted men likewise affected? That will place all on an equality. That will do justice to all of them.

Mr. SWING. I would favor that. But in the meantime there is no reason for denying this relief to this widow. This war risk insurance law was passed containing no express repeal of this provision which Congress had declared as its policy, but after it had been enacted for a year or two, some one down here in some of the departments—the comptroller, probably—adjusted his glasses and said, "This is an implied repeal of the law giving the widow a gratuity for six months." As soon as Congress learned of that decision it reenacted the law. A month before this man's death it reenacted it for the benefit of the Army, and as soon as the Naval Committee could get to it they reported and had passed a bill restoring it to the marine officers.

Mr. BLANTON. This man being a lieutenant colonel in the marines, and having died during this two years' interim, his relatives are able to appeal to their very distinguished Representative in Congress, and he gets action for them. But there may be a good many dependent relatives of the ordinary private or the ordinary enlisted man in the marine service who are not able to get a hearing from their Representatives. They may not know about it. Does not the gentleman think that, in order to reach the proposition, to have a general provision passed, applicable to all, would be the better way; to wait and have a blanket bill passed?

Mr. SWING. I would like to see that, but here is a widow with two small children for whom she has to buy bread and clothing, and whom she has to educate. Do you say that you want to make her and the children suffer until you can bring in the other bill?

Mr. BLANTON. Is there any such bill pending now to cover all such cases—I mean any proposed law?

Mr. SWING. I do not know. If this man, instead of being a lieutenant colonel in the marines—and that is one of the finest corps in the United States service——

Mr. BLANTON. I agree with the gentleman——

Mr. SWING. If he had been in the Army, I would not now be here and his widow would have gotten this money long ago; but, because he was in the marines instead of being in the Army, we have got to come here and beg for this widow and these little children to get what Congress intended they should have by express provision of law, because it reenacted the law as soon as the alleged repeal was brought to its attention.

Mr. BLANTON. I am with you on the proposition to treat them all alike.

Mr. BUTLER. But hereafter they will be provided for under the general law.

Mr. STAFFORD. That is the condition which makes this bill a meritorious one.

Mr. BLANTON. I withdraw the objection.

Mr. SWING. I thank the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Alice P. Dewey, widow of Rupert C. Dewey, late lieutenant colonel, United States Marine Corps, is hereby allowed an amount equal to six months' pay at the rate said Rupert C. Dewey was receiving at the date of his death.

SEC. 2. That said Alice P. Dewey, widow of Rupert C. Dewey, lieutenant colonel, United States Marine Corps, as aforesaid, be paid out of the Treasury of the United States a sum of money or an amount equal to six months' pay at the rate said Rupert C. Dewey, deceased, was receiving at the date of his death.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 2.

The SPEAKER pro tempore. The gentleman from Wisconsin moves to strike out section 2.

Mr. SWING. What is the gentleman's purpose in making that motion?

Mr. STAFFORD. Section 2 is superfluous. Section 3 provides for the payment of this money out of the appropriation for beneficiaries of officers who die while on the active list of the Marine Corps, for which special authorization is made. Section 2 is merely supplementary. It provides that this money shall be paid out of the Treasury of the United States, and section 3 provides that it shall be paid out of the appropriation for the beneficiaries of officers.

Mr. BUTLER. What is the effect of taking out section 2?

Mr. STAFFORD. Section 2 is supplemental to section 3. One or the other should go out.

Mr. BUTLER. Why not take out section 3?

Mr. STAFFORD. Section 3 provides for the payment of the money out of the general appropriation carried in the naval appropriation bill. I think it is better for section 2 to go out, because in the administration of the law it will be under the Navy Department. They have the funds available and they will pay it.

Mr. BUTLER. I wonder if they will?

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. FESS. Section 2 indicates where it is to be paid from, while section 3 indicates that the appropriation is already made out of which to pay it. Suppose you cut out that section, will there not have to be an appropriation made to pay it?

Mr. STAFFORD. Oh, no; the appropriation is running under the general appropriation act.

Mr. FESS. That is the only point I have in mind.

Mr. STAFFORD. These matters are paid out of the general appropriation bill. Section 3 reads as follows:

SEC. 3. That the payment of the amount of money hereby allowed and authorized to be paid to said Alice P. Dewey is authorized to be made from the appropriations for beneficiaries of officers who die while on the active list of the Marine Corps.

Mr. FESS. I think that covers it.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin to strike out section 2.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next section.

The Clerk read section 3.

The SPEAKER pro tempore. Without objection, the section number will be corrected.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HICKS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANTON KUNZ.

The next business on the Private Calendar was the bill (H. R. 6832) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Anton Kunz, father of Joseph Anthony Kunz, machinist's mate, first class, submarine A-7, United States Navy, who was killed by an explosion on board the vessel July 25, 1917, is hereby allowed an amount equal to six months' pay at the rate said Joseph Anthony Kunz was receiving at the date of his death, to wit, the sum of $445.92.

SEC. 2. That said Anton Kunz, father of said Joseph Anthony Kunz, deceased, aforesaid, be paid out of the Treasury of the United States a sum of money or an amount equal to six months' pay at the rate said Joseph Anthony Kunz was receiving at the time of his death.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 2, for the same reason as that given in the case of the former bill.

In this connection I should like to make the suggestion that many formal motions are made to reconsider and lay on the table. If that motion were not made, the right to reconsider would lie for only two days. If the Members wish to exercise that privilege, I suggest that at the conclusion of the consideration of these bills a general motion be made rather than to cumber up the Journal. It makes the Journal twice as long as is necessary, and for the sake of expedition and economy in the preparation of the Journal I make that suggestion, because there is no disposition to reconsider. We can make an omnibus motion at the close of the session to cover all of the bills.

Mr. BUTLER. Within the next two or three days we might discover that we desired to reconsider some bill. The House seems to be relying with a great deal of confidence upon the judgment of the Subcommittee on Naval Affairs, which considered this bill. It might be that within a day or two we might discover some little mistake that had been made.

Mr. STAFFORD. I do not wish to do away with the right to table a motion to reconsider, but my suggestion is that at the conclusion of these bills there be an omnibus request to reconsider and table as to all, rather than cumber up the Journal with separate motions.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the payment of the amount of money hereby allowed and authorized to be paid is authorized to be made from the appropriations for beneficiaries of deceased members of the naval service who die while in active service of the United States Navy.

The SPEAKER pro tempore. Without objection the section number will be corrected.

There was no objection.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

FRED G. LEITH.

The next business on the Private Calendar was the bill (H. R. 855), for the relief of Fred G. Leith, United States Navy.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I think we ought to have some explanation of the bill.

Mr. BURDICK. Mr. Speaker, this man was for 15 or 16 years in the Medical Corps of the Navy. He went to France. The Army found itself without sufficient number of pharmacists and called upon the Navy to transfer some of their pharmacists to the Army corps. Under these circumstances he was transferred to the Army. He rendered valiant service there. He took part in six or eight of the battles. He was cited for distinguished service. He received the croix de guerre. He came back to this country with his corps and was discharged I believe in Texas or some southern camp from the Army. Thereupon he wrote to the Navy and asked them if he reenlisted in the Navy he would retain his continuous service in the Navy. They telegraphed him in a general way to report to the recruiting officer for examination. He understood by that if he reentered the Navy he would enter as a continuous-service man.

The question was not raised until his first pay day when the comptroller ruled that it was a new enlistment and he was not entitled to any increase by reason of previous service; that having left the Navy and gone into the Army at their request he lost all the benefits of continuous service. The matter has been put up to the Navy Department, and the Navy Department has written urging that the bill be passed.

Mr. STAFFORD. Mr. Speaker, under the statement of facts so clearly presented by the gentleman from Rhode Island, I withdraw my reservation of an objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the service rendered by Fred G. Leith, United States Navy, in the Army of the United States during the World War shall be considered as if rendered in the Navy of the United States for all purposes connected with continuous service in the Navy of the United States, and that the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records of the said Fred G. Leith in the Navy Department to be corrected to conform with this authorization, to the end that the said Fred G. Leith shall be entitled to all pay, benefits, and emoluments conferred by law or regulation for continuous service in the Navy of the United States.

Mr. McKENZIE. Mr. Speaker, I would like to ask the gentleman from Rhode Island a question. Did this man voluntarily resign from the Navy and take a commission in the Army?

Mr. BURDICK. It was at the suggestion of the Navy Department and at the request of the Army that he severed his connection with the Navy and enlisted in the Army corps.

Mr. McKENZIE. Did he hold a commission in the Army?

Mr. BURDICK. Yes; he was a lieutenant.

Mr. McKENZIE. How long was he out of the military service until he applied to be reinstated in the Navy?

Mr. BURDICK. Immediately on his separation from the Army he applied for reenlistment in the Navy.

Mr. McKENZIE. The only matter involved here is the question of his longevity pay?

Mr. BURDICK. That is all.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

ELLEN M'NAMARA.

The next business on the Private Calendar was the bill (H. R. 8921) for the relief of Ellen McNamara.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid to Ellen McNamara, mother of Frank X. McNamara, ordinary seaman, U. S. S. *Buffalo* and *Cleveland*, United States Navy, an amount equal to six months' pay at the rate received by him at the date of his death.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I have just noticed in connection with this bill that no provision is made as to the money to pay it. Some amendment should certainly be carried in the bill to that effect. I suppose the intention of the committee was that such an amendment should be made. If the committee has any amendment, I will not attempt to frame one. I will withdraw the pro forma amendment and offer the following amendment: After the word "paid," in line 4, insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 4, after the word "paid," insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. CHINDBLOM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHINDBLOM. The author of this bill, my colleague Mr. SPROUL, of Illinois, is unfortunately at home ill. It occurs to me, however, as I understand the law, this man might have designated, and at one time did designate, a beneficiary. He designated his father, which he might do under the present law. If his father had survived him, the money would have been paid in due course. Through inadvertence his mother was not designated as a beneficiary after the father's death.

It seems to me that this could be paid out of the same fund as the father would have been paid from if he had survived. If this amendment which has been offered perfects the bill, I do not want to interpose an objection, but, on the contrary, would like to have it perfected so that the payment will be made.

Mr. DARROW. Will the gentleman yield?

Mr. CHINDBLOM. Certainly.

Mr. DARROW. It seems to me that the suggestion of the gentleman from Wisconsin is in order, and I would be glad to see his amendment prevail. While it was intended that the money should be paid out of the same fund as if the father had lived, I think this amendment will do no harm.

Mr. STAFFORD. In that case, we would have to carry the authorization carried in the two prior bills that the payment of the amount of money hereby allowed and authorized to be paid is authorized to be made out of the appropriation for beneficiaries of deceased Members who died while in active service.

RALPH S. KEYSER.

The next business on the Private Calendar was the bill H. R. 11340 to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GRAHAM of Illinois. Mr. Speaker, reserving the right to object, I would like to have some statement with respect to it.

Mr. BUTLER. Mr. Speaker, I would say that this refers to the most distinguished man of the whole United States Marine Corps. He bears perhaps the most gallant record of them all. He is one of the celebrated six commanders of the battalion at Belleau Wood and the Argonne Forest.

Mr. STAFFORD. Mr. Speaker, may I supplement what the chairman of the committee has said by saying that in the consideration of many of these private bills where we provide advancement numbers the officer in most instances has performed valiant service in the World War. In reading the reports I do not know of any one that appealed to me more strongly than has the present case. This man at some time committed indiscretions away back, when he was in the academy.

Mr. VINSON. When he was a first lieutenant.

Mr. STAFFORD. Well, it was very shortly after he graduated from the academy. Because of those indiscretions he was unduly punished by a reduction of 27 numbers. He proved his real worth in the World War as no other man could prove it. I say let bygones be bygones.

Mr. GRAHAM of Illinois. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley: *Provided*, That no back pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM M. PHILLIPSON.

The next business on the Private Calendar was the bill (H. R. 4723) for the relief of William M. Phillipson.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his objection?

Mr. STAFFORD. Oh, I have not seen the gentleman here for some time, and I shall be glad to reserve it on his account.

Mr. RAKER. I have been at work on three different committees trying to get legislation so that we could pass it, and I have been here whenever I have had an opportunity to do so.

Mr. STAFFORD. Oh, I would not think of insinuating that the gentleman did not have a good alibi.

Mr. RAKER. This man went to Tuolumne County, and settled there and then went into the service. The judge of the superior court there knew him when he was a young man. He had lived there for 40 years. I refer to Judge Nicol, who died just a few weeks ago. The other men referred to in the report were old residents, and they identify this man and his record and history, and it clearly shows by his affivadit of two pages and a half in the report that he was "shanghaied" and was kept from the service, and that he ought not to be denied his right as an American seaman. He gave valiant service during the war.

Mr. STAFFORD. Does the gentleman mean to give the impression that he was shanghaied upon this statement found on page 2 of the report, his own testimony, which is as follows:

A few days later we steamed up to Mare Island, where the worst cases of yellow fever were transferred to the Government hospital. About three weeks afterwards I was told to get ready to go on shore on liberty, although I had never asked permission to go on shore. I was not well—I was suffering from yellow fever, but some of my comrades said to come on, and I think I was given about $15, which was all the money that I have ever received from the Government.

Is that the basis of the gentleman's charge that he was shanghaied?

Mr. RAKER. No; it runs clear through his statement. There is no doubt about it. The judge wrote me about it, and so did ex-Senator Curtin.

Mr. STAFFORD. But where is the evidence of his being shanghaied?

Mr. RAKER. The only way I can show the gentleman that would be to read the affidavit.

Mr. STAFFORD. But I have read a part of it, which refutes the gentleman's contention.

Mr. RAKER. The only way you can get it is from the man's own statement.

Mr. STAFFORD. I have just cited a part of his affidavit which I think is material.

Mr. KRAUS. Mr. Speaker, if the gentleman will read further on he will find the man was actually shanghaied. He went to a Norwegian boarding house, was sick, having yellow fever, and was taken from there to a ship in the harbor.

Mr. STAFFORD. Oh, I have seen some of those boarding houses in Seattle, and I know the kind the gentleman refers to.

Mr. KRAUS. That was in the year 1864, and he was kept on the ship for more than a year before he returned to San Francisco.

Mr. RAKER. Every effort has been made since a few years ago by the State authorities to prevent shanghaiing. Before that time many men were shanghaied in San Francisco. This man is able to present a very good record. He lived where he was well known. The judge knew him for over 40 years, one of the most honorable men in the State of California. He knew him as a young man, he knew him when he was naturalized. He knew him when he went away and when he came back.

Mr. STAFFORD. Against the very surprising record furnished by the gentleman from California I wish to cite in opposition the statement of the Secretary of the Navy, Mr. Denby, wherein he says in the concluding paragraph of his letter to the chairman of the committee dated March 14, 1921:

Furthermore, it would seem that Phillipson left the naval service at a time during the Civil War when his services were especially in demand and the records do not disclose such merits in his case as would warrant more favorable consideration than has been given a large number of other similar cases. While it is aware that the bill (H. R. 16084) died with the expiration of the Sixty-sixth Congress, the department nevertheless recommends, if a similar bill is introduced during a session of the present Congress, that favorable action be not taken thereon.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Mr. RAKER. Truly he left the service; he was away sick with yellow fever near unto death. He was taken to the seaboard and kept on a ship a year and he then came back and served his Government. After he got back he enlisted again. He went back into the service again. He did everything that it was in the power of a human being to do. That is the history of the whole thing, verified by these men who can not be questioned.

Mr. BUTLER. I will say to my friend from Wisconsin this gave us some little anxiety in the Committee on Naval Affairs.

Mr. STAFFORD. I am not surprised.

Mr. BUTLER. We had the rule hanging on the wall with reference to these charges of desertion, that we would not permit a man to get through unless he showed white and clear. If he does not show he is worthy it is not given. This is one of the cases that we believe after sitting and hearing the facts, that he had been detained from the service and could not make a report, could not return, and therefore it was charged up against him.

Mr. STAFFORD. What service did he give the Government after his desertion?

Mr. RAKER. I think over two years.

Mr. STAFFORD. Well, Mr. Speaker, I have crossed the distinguished chairman on occasions, not with malice aforethought——

Mr. BUTLER. But not disturbing our good feeling.

Mr. STAFFORD. And on this occasion he makes a pretty strong appeal. I have crossed many times my good friend

from California and he has always come up smiling afterwards, and I like him for it, and in this case I will give the benefit of the doubt to the gentleman from California and withdraw the objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws William M. Phillipson shall hereafter be held and considered to have been honorably discharged from the United States Navy: *Provided, however*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

FRANK GEORGE BAGSHAW.

The next business on the Private Calendar was the bill (H. R. 397) to remove the charge of desertion against the name of Frank George Bagshaw.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have had some serious difficulty as to whether this bill should pass or not.

Mr. BURDICK. This bill—I presume the gentleman has read the report?

Mr. STAFFORD. Yes.

Mr. BURDICK. This young man enlisted in the Navy and deserted. He thereupon entered the militia of the State of Rhode Island, and when this country went into war he enlisted in the Air Service. He only served a few months, as I recall, in the Air Service when at the request of his wife he was discharged on account of dependency. He is seeking to remove that charge of desertion that is against his record as a very young man, not for the purpose of any pension or anything of the kind, but simply to clear up his name.

Mr. STAFFORD. If the gentleman will yield, I would not bar the removal of the charge of desertion in the record of a veteran of the Spanish-American War or the Civil War if he really performed sincere service in the World War. The difficulty in this case was whether this man really intended to perform real service during the World War. He entered, as the gentleman says, the Rhode Island Militia on January 20, 1918, and was discharged on his application that he had a dependent wife and child July 27, 1918. It does not seem to me that was any real service which should entitle Congress to remit the charge of desertion that was against him arising out of the Spanish-American War service.

Mr. BURDICK. This young man, as I understand it, both from his own statement to me and that of his wife, entered the World War absolutely in good faith. After he was in the service his wife and family found they could not get along but were dependent upon his earnings to support them, and reluctantly he secured his discharge from the Army in order to go back and support his wife.

Mr. CHINDBLOM. If the gentleman will permit a question, it appears from the report he served over three years in the Navy at the time of the Spanish-American War. Does the gentleman know whether that is a fair deduction?

Mr. BURDICK. That is as I understand the record.

Mr. CHINDBLOM. What was the enlistment period at that time?

Mr. BURDICK. I think four years.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, in view of the fact that he deserted after three years' service during the period of the Spanish-American War and at a time when the war had been concluded, I withdraw the reservation of objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Frank George Bagshaw, late an apprentice, third class, United States Navy, in view of his honorable service during the World War.

The committee amendment was read, as follows:

On page 1, at the end of line 7, insert a colon and *"Provided*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHIPPS, Mr. BALL, Mr. JONES of Washington, Mr. SHEPPARD, and Mr. GLASS as the conferees on the part of the Senate.

RUSSELL WILMER JOHNSON.

The next business in order on the Private Calendar was the bill (H. R. 10555) for the relief of Russell Wilmer Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I believe this is another case where a soldier who had a dishonorable discharge against him performed valiant service during the World War that entitles the soldier to have that dishonorable discharge removed, and I shall not interpose an objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Russell Wilmer Johnson, late a landsman-seaman in the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States.

With a committee amendment as follows:

Page 1, line 7, after the word "States," insert: "*Provided*, That the said Russell Wilmer Johnson shall not by the passage of this act be entitled to any back pay or allowances."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

R. E. AMES.

The next business on the Private Calendar was the bill (H. R. 968) to change the retired status of Chief Pay Clerk R. E. Ames, United States Navy, retired.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

REIMBURSEMENT OF PATIENTS AT NAVAL HOSPITAL, HAMPTON ROADS, VA.

The next business on the Private Calendar was the bill (H. R. 9081) to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, Naval Operating Base, Hampton Roads, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2719, which is identical in terms.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

A bill (S 2719) to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, Naval Operating Base, Hampton Roads, Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the persons herein named the following amounts, out of any money in the Treasury not otherwise appropriated: Joseph Julian Jordan, seaman, second class, $210; William Raney Pickard, apprentice seaman, $25; James Buchanan, apprentice seaman, $40; Orvin Jefferson Bullock, apprentice seaman, $70; William James Thomson, fireman, third class, $95; Raymond Leonard Martin, fireman, third class, $75; William Brewster, fireman, third class, $15; Hiram Bitts Dain, apprentice seaman, $22; Arlous Pate, apprentice seaman, $35; Alvin Curtis, fireman, third class, $30; Irvin Howard Neil, seaman, second class, $40; James Fred Taylor, hospital apprentice, second class, $80; Franklin Elmo Brown, pharmacist's mate, third class, $20; Hamilton Okey Johnston, hospital apprentice, second class, $20; Leo Sherry, hospital apprentice, first class, $20; Raymond Clyde Malouin, hospital apprentice, first class, $70; Canaco Nacional Nallaris, mess attendant, first class, $185; and Birley Thomas, fireman, third class, $75; being the respective amounts of their private funds which the said persons had placed in the safe in the office of the executive officer at the United States Naval Hospital, Naval Operating Base, Hampton Roads, Va., for safe-keeping, and which were stolen therefrom on or about April 1, 1921, by some unknown person or persons.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN F. O'NEIL.

The next business on the Private Calendar was the bill (H. R. 8683) for the relief of John F. O'Neil.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The next business on the Private Calendar was the bill (S. 2004) for the relief of the First International Bank of Sweetgrass, Mont.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, may we have this bill reported?

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided*, That in no event shall patent so issue to said bank for said land except upon the payment therefor by said bank at the rate of not less than $1.25 per acre.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I think the bill should be explained. If the author is not here, I will object.

Mr. VAILE. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLANTON. If the gentleman can explain the bill, I will reserve my objection.

Mr. VAILE. I am sorry I can not explain it.

Mr. BLANTON. It is a little unusual to be patenting lands to international banks, when there are numerous ex-service men who fought for their country who are trying to purchase these lands.

Mr. VAILE. Mr. Speaker, the facts in a general way are these: This bank loaned some money to a man on improvements to a piece of public land——

Mr. BLANTON. And violated the national banking laws when it did it.

Mr. VAILE. No; I am quite sure that the original loan was proper.

Mr. BLACK. This is not a national bank.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN SULLIVAN.

The next business on the Private Calendar was the bill (S. 1690) to correct the military record of John Sullivan. The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Sullivan, late chief boatswain's mate, United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States in 1895: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended in accordance with the text.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

ATLAS LUMBER CO. AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 8499) for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co., each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall at the Pierre Indian School, in the State of South Dakota.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to omit the reading of the preamble.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the reading of the preamble be omitted. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the body of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, as follows, to wit: To the Atlas Lumber Co., a West Virginia corporation, at Minneapolis, Minn., the sum of $3,530.65; to C. W. Babcock and T. B. Willcox, copartners as Babcock & Willcox, Kasota, Minn., the sum of $456.95; to Johnson, Jackson & Corning Co., a Minnesota corporation, of Minneapolis, Minn., the sum of $855.94; and to C. H. Klein and C. T. Klein, copartners as the C. H. Klein Brick Co., of Chaska, Minn., the sum of $186.68.

With committee amendments, as follows:

Striking out all of the preamble, and on line 14 of page 3, after the figures "$186.68," inserting "each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall at the Pierre Indian School, South Dakota."

The SPEAKER pro tempore. The question is on the adoption of the amendment striking out the preamble.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the other amendment.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, the last "whereas" seems not to have been stricken out by the committee. I ask unanimous consent that that be stricken out.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the last "whereas" in the preamble be stricken out. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I offer an amendment, on page 3, line 7, after the word "corporation," strike out the phrase "at Minneapolis, Minn."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 7, after the word "corporation" strike out "at Minneapolis, Minn."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the title, so that it will read: "A bill for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co."

The amendment to the title was agreed to.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRED E. JONES DREDGING CO.

The next business on the Private Calendar was the bill (H. R. 9862) for the relief of the Fred E. Jones Dredging Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the reading of the original bill, which has been stricken out, be omitted and that the suggested amendment of the committee be read in lieu thereof.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the claim of the Fred E. Jones Dredging Co., a corporation organized and existing under the laws of the State of Delaware, and doing business in the city of Norfolk, Va., against the United States for damages alleged to have been caused by a collision between its coal scow *No. 3* and the steamship *Minnesota*, which occurred about 6 o'clock p. m. on February 20, 1919, while said coal scow, loaded with

coal and equipment, was moored near the Norfolk & Western Railroad Co.'s merchandise pier No. 2, at Lamberts Point, Va., may be sued for by the said owners in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree therein for the amount of such damages sustained by reason of said collision as shall be found to be due either for or against the United States upon the same principles and measures of liability and damages as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLANTON. Will the gentleman in charge of the bill yield for a question?

Mr. EDMONDS. Certainly.

Mr. BLANTON. Is it not the practice in our Federal courts now that when suit is brought against the United States Government the Federal district attorney takes cognizance of it without this roundabout way of bringing notice of the suit to him through the Attorney General of the United States?

Mr. EDMONDS. I have no doubt that is true, but this seems to be the form of bill agreed upon in the House, and all the bills have been written in that way.

Mr. BLANTON. I know that, but it occurs to me that it is rather a reflection on the district attorney's office, which is supposed to look out for the interests of the United States Government. There are not so many suits that can be brought against the United States. Where they are brought under authority of law, my experience has been that the Federal district attorneys take cognizance of them and look after them without any suggestion coming from Washington.

Mr. EDMONDS. I do not think there is anything in this bill to prevent the Federal district attorney doing that very thing.

Mr. CHINDBLOM. In a case like this, where special jurisdiction is given to hear the case, I think it is well to have provision for a special notice to the district attorney.

Mr. BLANTON. The Federal trial judge would do the same thing.

Mr. CHINDBLOM. I think this shows care on the part of the committee.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

WILLIAM H. FLAGG AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 7447) to reimburse William H. Flagg and others for property destroyed by mail airplane *No. 73*, operated by the Post Office Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WATSON. Mr. Speaker, I object.

Mr. BULWINKLE. Will the gentleman reserve his objection?

Mr. WATSON. I reserve the right to object. The proposition to pay damages caused by airplane accidents where the airplanes are owned by the Government is a new problem in law. There are very few legal decisions or precedents regulating damages caused by Government airplanes. I have known a number of cases where Government airplanes have damaged property, and the claims have not been recognized. I should like to know the special reasons why this claim should be favorably reported.

Mr. BULWINKLE. Mr. Speaker, in answer to the gentleman from Pennsylvania, I will say that this was a Government mail airplane flying across the city of Cleveland. For some reason it came down upon the house of one of the claimants, Torok. There were 120 gallons of gasoline in the tank, and it set fire to three of the houses and destroyed and damaged the furniture in three of the houses. There is no reason in the world why the Government of the United States should not pay these claims. There was no negligence at all on the part of the claimants, and they could not have avoided or prevented the accident in any way. Through the negligence of the driver of the airplane it came down on the houses and the furniture was damaged and the Torok house badly damaged. The Government should pay the claim. It is just.

Mr. EDMONDS. I should like to answer the gentleman from Pennsylvania [Mr. WATSON] in regard to some people being paid and others not. The Government will recognize claims for damages by airplanes when the Government is at fault. We have done so in the case of a farm outside of New York where a crop was damaged. We have done so where a sloop was hit by an airplane and a man was killed. If the gentleman has a case that he would particularly like to have the committee take care of, I should be very glad to have him bring it before our committee and let us take care of it, because if the Government is to blame for these accidents we certainly ought to pay for them. The other day I called attention to an accident in Moundsville, W. Va., where it is going to cost the Government $200,000, and after reading the testimony in the case it is my opinion that the Government has a duty to perform to those people. Five people were killed and twenty-two were hurt, and several automobiles were burned up.

If we are going to give these public exhibitions of airplanes, if we are going to fly airplanes, we have got to pay damages when we are at fault, just as much as we pay for accidents occasioned by automobiles. This claimant was in his house. He owned the house. He is a poor man. He bought it on installments and furnished it on installments. Without any negligence on his part, a Government airplane flies into the side of his house, sets fire to it, and damages his furniture. He got some insurance, and we have deducted the amount of the insurance. We have given him the lowest amount of damages we possibly can. I think he is entitled to this. I tried to argue with him that the Government owned the air and that he had no business to have his house in the air, but he would not agree with me. He said if he could not build his house in the air he would have to build it in the cellar, and he did not want to live underground. [Laughter.]

Mr. TILSON. Suppose it had been a private corporation that owned the airplane, and it had come down on the gentleman's house and destroyed it by fire. What would be the law so far as the payment of damages was concerned?

Mr. EDMONDS. The private corporation would undoubtedly have to pay the damages.

Mr. TILSON. The only difference is that it was the United States which owned the airplane instead of a private corporation owning it.

Mr. WATSON. Where airplanes are driven close to the earth accidents are liable, as airplanes frequently frighten horses in the fields. This practice of driving Government airplanes should be considered by the Government. I withdraw my objections.

Mr. EDMONDS. Let me say to the gentleman that if the claim is below $1,000, under the law which we passed a short time ago the Government can reimburse for those claims without authority of Congress.

Mr. STAFFORD. Mr. Speaker, under the reservation of an objection I want to say that in the examination of quite a number of private bills I have found nothing wherein the committee has been so generous as in this case. We are attempting to reimburse the owners of buildings for damage which they did not suffer. In some cases the amount is awarded for repairs in excess of the loss sustained and paid by the insurance company. In the Torok case the damage amounted to $1,525.30, and the insurance company settled with the claimant for that sum. The property was insured for $3,000. Now you are proposing through overgenerosity of the committee—I would not charge that as to the other bills, but in this case it is proposed to give this man Torok $460. We are going to recognize the principle in this bill that if an owner of property lives at a distance from where the damage occurred and declines to take reasonable care to repair rented buildings after a fire loss is reimbursed we are to compensate him for loss of rent. These claimants seem to want to get as much money as possible out of the insurance companies, and then come to the Government and get something more out of the Government. This claim is about the worst claim that has been reported from the Committee on Claims.

Mr. BULWINKLE. How much was the damage to this house?

Mr. STAFFORD. I read from page 3, first paragraph:

The New Jersey Fire Insurance Co. determined that the damage amounted to $1,525.30, and settled with the claimant for that sum. The property was insured to $3,000. The legislation contained the stipulated amount of $2,175 as the loss suffered.

Mr. BULWINKLE. The insurance offer was for three-quarters. They clearly lost the amount of the difference between the amount they received from the insurance company and the value of the home.

Mr. STAFFORD. Does the gentleman believe that it is just to pay damage to a man for loss by reason of rent when he refused to put his property in a rentable condition?

Mr. BULWINKLE. The loss of rent is not included here.

Mr. STAFFORD. I read from page 4 of the report the statement of the post-office inspector.

I believe that the amount of insurance carried by Mr. Torok will more than cover the damage due to the accidental firing of the building by airplane *No.* 73. If taken in hand at once after the accident occurred the expenditure in placing the house in the original condition should not have exceeded $1,000.

He was awarded $1,525.30.

Mr. NORTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. NORTON. Mr. Speaker, I have never heard of a case of loss by fire that the buildings insured could be repaired before the amount was agreed upon. Any man who has had any business in settling claims against insurance companies of any kind knows that you can not make your repairs until the amount has been agreed upon. The amount that has been talked about as rent, which would be perfectly proper as a matter of fact, would be the difference between the time of the fire and the time they could come to some kind of an agreement. Here is a man that states that he had no money, nothing to make any kind of repairs with, because he did not have a cent coming in from any source. All he had of any kind was invested in this house, for which he was trying to pay, and, being deprived of its use, was required to pay rent. Any man who has had anything to do in settling claims against insurance companies knows that you can not make repairs until some arrangement has been made with the company. This man never received the amount of his loss that he suffered, a large part of which was not covered by the insurance policy. Here was a Government airplane and, without any fault on this man's part, it was flying over the city carrying the mail, and it descends upon this man's house, which takes fire through the negligence of the operator. This loss occurred in 1919, and these people have been trying to get some action on the matter ever since. It is a plain case. These people are poor people, and if there was ever a man entitled to the payment of a claim it is this. There was no question of contributory negligence in this case; it is not like an accident on a street by an automobile. It is a simple case of damage. The Government is liable. The committee has found the amount of the damage and has deducted the amount of insurance received, and it is a clear case where the Government ought to pay at least the amount recommended by the committee, for if there was ever a just claim this is one.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

HARRY E. FISKE.

The next business on the Private Calendar was the bill (H. R 10529) for the relief of Harry E. Fiske.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,689.35 to Harry E. Fiske, on account of injuries received at the Watertown Arsenal, through no fault of his own, while testing a gun carriage on January 6, 1916.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

W. B. MOSES & SONS AND OTHERS.

The next business on the Private Calendar was the bill H. R. 11287, for the relief of W. B. Moses & Sons, Willis-Smith-Crall Co., American Home Furnishers' Corporation, Western Electric Co., and S. A. Curtis.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. I do not think that this is the kind of a bill that ought to be passed at this time. There are many other bills on the calendar that are much more meritorious. I reserve the objection.

Mr. STAFFORD. Is this the bill where the officer bought solid mahogany furniture?

Mr. EDMONDS. Yes; and I think it is a hardship for these firms to wait any longer for their pay. Here are three or four firms that supplied furniture to the Navy Department. We realize that the furniture purchased was out of all reason and common sense, and that it should not have been purchased. Nevertheless, here is a number of commercial concerns that are carrying on their books a charge against the Government for furniture which they furnished to the Government.

Mr. BLANTON. Does the gentleman not think it is time to stop a naval officer from buying 5 mahogany davenports at $200 each, 10 fine mahogany easy-chairs at $100 each, 10 mahogany dressers at $200 each, 5 mahogany chiffoniers at $200 each, 5 mahogany chifforettes at $200 each, 5 mahogany dressing tables at $150 each, and a lot of other such extravagant furniture for private use? Is it not about time for the Congress to stop such monkey business?

Mr. EDMONDS. The committee thinks so, certainly. The gentleman saw the resolution that was passed by the committee. We have notified the Navy Department and the Naval Committee of this extraordinary extravagance upon the part of naval officers.

Mr. BLANTON. How many fine leather mahogany davenports has the gentleman in his office in the House Office Building?

Mr. EDMONDS. It is not a question of that kind.

Mr. BLANTON. We ought not to permit a naval officer or any other officer to go down here and buy extravagant furniture of this kind in solid mahogany where there is no necessity for it, and we should stop it now.

Mr. EDMONDS. The committee itself has recognized that, but here are honest merchants who have supplied that stuff.

Mr. BLANTON. And the gentleman wants to pay the bill and authorize somebody else to incur like bills for the Government?

Mr. EDMONDS. Does the gentleman mean to say that the Government of the United States is not going to pay its honest debts?

Mr. BLANTON. The Government of the United States will pay every debt that is honestly owed, but the time has come to stop officials in the Navy Department and in the Army and other departments from such wasteful extravagance.

Mr. EDMONDS. Has not the committee agreed with the gentleman on that?

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BLACK. Of course, we are all agreed that these purchases were very extravagant. They were not made in conformity with law. I am wondering if the committee could have brought about a substantial reduction in the amount of these bills. For example, there are 10 easy, mahogany chairs, at $100 each; 5 chiffoniers, mahogany, at $200 each; 5 chifforettes, whatever they are, at $200 each.

Mr. EDMONDS. Also there are solid mahogany tables.

Mr. BLACK. It seems to me that these items are so extravagant that some reduction might be brought about in the amount of the bills and the claim settled on a substantially reduced basis.

Mr. TILSON. And the gentleman has forgotten the 10 solid mahogany dressers at $200 each.

Mr. BLACK. I am not undertaking to read all of the items. I merely read some of them to show the unreasonable extravagance of them.

Mr. BUTLER. Will the gentleman please tell me who is this fearfully generous officer who bought this extravagant stuff? What is his name?

Mr. BLACK. I can give the gentleman the place of the purchase. During the fiscal year 1920 the supply officer of the United States Navy mine depot at Yorktown, Pa., made these purchases. I think it is quite high time that some action be taken that will prevent the purchasing officers of the Navy Department from making purchases of this kind. The best that we can say for it is that it is rank extravagance.

Mr. BUTLER. Of course, we can not go out and buy this sort of furniture, because we can not afford it.

Mr. BLACK. My colleague, Mr. BLANTON, said he is going to object, but if he does not, I shall, until we can look into the matter and see if these claims can not be reduced.

Mr. BLANTON. If the distinguished gentleman from Pennsylvania [Mr. EDMONDS] will put into the RECORD in connection with this matter a list of the various articles purchased, their cost, together with the name of the man who purchased them, so that the people of the United States may know what is going on, I might feel more like withdrawing the objection.

Mr. STEPHENS. Does the gentleman not think it would be a good idea to return this furniture to these people rather than to pay for it?

Mr. BLANTON. I think that is what the committee ought to have done.

Mr. DEAL. Does the gentleman think that this furniture should be returned to the owner after it has been in use for three years and used by Army officers and those who have had it in their use? These people have been deprived of the use of their property.

Mr. STEPHENS. They ought to inquire to whom they are selling such stuff.

Mr. DEAL. These Government agents come in and give their order, and they sell the goods on that order.

Mr. BLANTON. Will the gentleman yield?

Mr. DEAL. Yes.

Mr. BLANTON. I want to be absolutely fair with these people, but the gentleman from Virginia is a distinguished lawyer—I take that back because he says he is not. He looks so much like one that I always thought he was, but if he were a lawyer, he would know this, that whenever a merchant sells any kind of merchandise to an officer of the Government, he sells it to him under the provisions of a certain law and under certain authority that is definitely fixed and well defined, and when a merchant goes beyond the provisions of law and sells officers something that under that law will not be approved by the auditors of this Government, they do it at their own risk, and they ought to suffer. The only way we have to stop it is to let them know that we are not going to permit such extravagance.

Mr. DEAL. Their goods have been taken away from them and are in use by the Federal Government, and we ought to pay for them.

Mr. CRAGO assumed the chair as Speaker pro tempore.

Mr. MADDEN. Mr. Speaker and gentlemen, it is equivalent to a crime for any officer to be permitted to buy davenports at the rate of $200 apiece and chiffoniers at the rate of $200 apiece and dressers at the rate of $200 apiece. The officer who bought them at that price ought to be cashiered. [Applause.]

Mr. BLANTON. Ought to be in the penitentiary.

Mr. MADDEN. And we do not owe a thing to the people who sold this officer those goods at this price. These people here are dealing with the Government all the time. W. B. Moses and the rest of these people know what the Government regulations are; and if any officer comes and buys goods at a price not authorized by law, and these people who sell the goods know what the regulations are, they ought not to sell them; and if they do sell them, they ought not to be paid for.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made to the consideration of the bill.

Mr. CHINDBLOM. Perhaps these gentlemen acquired these habits during the previous administration. This was also done during the previous administration.

Mr. MADDEN. I do not want to raise that question. The officers know they ought not to be permitted to do that.

Mr. BLANTON. And it ought to be stopped.

Mr. EDMONDS. Mr. Speaker, I would like to ask unanimous consent to make, as a portion of my remarks, the statement of the committee, because I am with the gentleman from Texas and the gentleman from Illinois that it is an outrageous imposition.

The SPEAKER pro tempore. Is there objection to the gentleman extending his remarks? [After a pause.] The Chair hears none.

The statement of the committee is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 11287) for the relief of W. B. Moses, Willis-Smith-Crall Co., American Home Furnishers Corporation, Western Electric Co., and S. A. Curtis, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS.

These claims, as stated in the bill, represent orders which were placed after competition with the lowest bidders of the individual items, but without complying with the provisions of section 3744 of the Revised Statutes requiring contracts made by the Secretary of the Navy and the officers under him to be reduced to writing.

Section 3744 reads as follows:

"It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the contract in the returns office of the Department of the Interior, as soon after the contract is made as possible, and within 30 days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return."

These supplies were purchased during the fiscal year of 1920 by the supply officers of the United States Navy mine depot, Yorktown, Va., for the use of that station.

As the supplies called for by the orders of the naval authorities were accepted and used by the Government, your committee recommends the passage of the bill for the payment of the claims.

Attached herewith is the letter of the Acting Secretary of the Navy. To incorporate in this report all of the papers in connection with these claims would serve no particular purpose. However, your committee desires to call the attention of the Members of the House to a few of the items, showing the reckless extravagance of the naval officials.

THE SECRETARY OF THE NAVY,
Washington, December 19, 1921.

SIR: The department incloses herewith the following claims:

(*a*) Claim of W. B. Moses & Sons, Washington, D. C., amounting to $1,013, supported by contract and public bills.

(*b*) Claim of Willis-Smith-Crall Co., Norfolk, Va., amounting to $12,093.25, supported by contracts and public bills.

(*c*) Claim of American Home Furnishers Corporation, Richmond, Va., amounting to $7,007, supported by contract and public bills.

(*d*) Claim of Western Electric Co., New York, amounting to $2,319.12, supported by contract and public bills.

(*e*) Claim of S. R. Curtis, Leehall, Va., amounting to $1,125, supported by invoice and public bill.

During the fiscal year 1920 the supply officer of the United States Navy mine depot, Yorktown, Va., made various purchases and simply covered them by an order instead of by a contract properly signed by both parties in accordance with the requirements of section 3744 of the Revised Statutes.

The fact that the statute had not been complied with was not discovered until the receipt of invoices by the successor of the officer who placed the order. Therefore, in the belief that the matter was one for settlement by the auditor, all papers on the subject were forwarded to that officer for the necessary action in the premises. However, the auditor declined to make settlement on the ground that competition had not been invited as prescribed by section 3709 of the Revised Statutes. Facts were then produced which showed that section 3709 had been complied with and the matter was accordingly appealed to the comptroller, who held that competition had been obtained, but at the same time sustained the disallowance on the ground that section 3744 of the Revised Statutes had not been complied with. After these decisions were rendered the accompanying contracts were prepared under the assumption that such action would meet the requirements of the law, and the matter was then referred to the Comptroller General of the United States with request that he reconsider the previous decision, but in connection with several of the claims he stated that:

"There had not been a compliance with section 3744, Revised Statutes, and therefore allowance could not be made on the basis of an express contract. The decision then went on to hold that the delivery and acceptance of the furniture, which was the subject matter of the claims, gave rise to an implied contract, on the basis of which allowance could have been made by the accounting officers, if there had been proper evidence of the reasonable value of the furniture.

"The making of the formal contracts submitted July 14 and July 15, 1921, so long after the transactions were made, is not a compliance with the requirements of the law and presents nothing upon which payment would be authorized. It can not be accepted as evidence of the value of the furniture.

"Furthermore, the contracts are not new and material evidence such as is necessary in order that I may reopen a case decided by my predecessor."

The accompanying inclosures represent the claims in question, as follows:

W. B. Moses & Sons	$1,013.00
Willis-Smith-Crall Co	12,093.25
American Home Furnishers Corporation	7,007.00
Western Electric Co	2,319.12
S. R. Curtis	1,125.00
Total	23,557.37

The above claims represent awards which were placed, after competition, with the lowest bidders on the individual items, which is an evidence of the reasonable value of the material furnished and the services rendered at the time purchases were made. Furthermore, these transactions were handled strictly in accordance with the requirements of the law and the Navy Regulations excepting, as stated above, the requirement of section 3744 relative to entering into contracts having been overlooked by the contracting officer.

As the supplies called for by these orders were accepted and used by the Government, the department requests that legislation be enacted by Congress which will authorize the payment of these claims, and incloses draft of a bill for that purpose.

Very respectfully,

THEODORE ROOSEVELT,
Acting Secretary of the Navy.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

PUBLIC BILL (ON SHORE).

UNITED STATES NAVY MINE DEPOT,
Yorktown, Va., July 25, 1921.

Inspection numbers, 7 and 148; public bill number, 25. The United States Navy Department, Bureau of Ordnance. To Willis-Smith-Crall Co., Dr. (No. 109.) Appropriation No. 0401. Ordnance and ordnance stores, 1920. Address, Norfolk, Va. O. P. requisition No. 101, ordnance. Dated June 4, 1920. Yard, N. M. D., Yorktown, Va. Yard contract, No. 2. Dated July 14, 1921. Yard, N. M. D., Yorktown, Va. For yard or ship No. 109. Title 13–X. Account, A. P. A.

Names and descriptions of articles as per requisition, contract, or invoice.	Class number under contracts, and item number.	Date of delivery.	Quantity passed, and unit.	Unit price.	Extension of items.
Davenports, mahogany	1A	Nov. 11, 1920	5	$200.00	$1,000.00
Easy chairs, mahogany	2A	do	10	100.00	1,000.00
Tables, solid mahogany	6	do	5	65.00	325.00
Porch shades	14	do	10	7.75	77.50
Small mirrors	16	do	5	12.00	60.00
Tables, kitchen	22	do	5	10.75	53.75
Chairs, kitchen	23	do	20	1.25	25.00
Double beds, metal	25	do	8	47.00	376.00
Single beds, complete, with springs	26	do	5	47.00	235.00
Mattresses	27	do	10	25.00	250.00
Do	28	do	5	22.30	111.50
Pillows, kapok	29	do	30	2.00	60.00
Dressers, solid mahogany	30	do	10	200.00	2,000.00
Chiffoniers, mahogany	31	do	5	200.00	1,000.00
Chifforeittes, mahogany	32	do	5	200.00	1,000.00

Names and descriptions of articles as per requisition, contract, or invoice.	Class number under contracts, and item number.	Date of delivery.	Quantity passed, and unit.	Unit price.	Extension of items.
Tables, mahogany	33	Nov. 11, 1920	5	$40.00	$200.00
Dressing tables	34	.....do.....	5	150.00	750.00
Small chairs, mahogany	35	.....do.....	5	25.00	125.00
Tables, mahogany	38	.....do.....	10	25.00	250.00
Bath stools	40	.....do.....	6	2.00	12.00
Tables	41	.....do.....	5	4.00	20.00
Wooden clotheshorses	42	.....do.....	5	4.00	20.00
Rugs:					
2' 3" by 4' 6"	44	.....do.....	23	15.25	350.75
3' by 6'	45	.....do.....	11	27.25	299.75
4½' by 7½'	46	.....do.....	34	51.00	1,734.00
6' by 9'	47	.....do.....	2	92.00	184.00
Slip cover for davenports	52	.....do.....	5	35.00	175.00
Slip covers for chairs	53	.....do.....	10	15.00	150.00

Class and item number.	Quantity passed.	Quantity rejected or shortage.	Reasons for rejections or cause of damage or deficiency.
10	0	5	Varnish peeling; not weatherproof.
11	0	5	Do.
12	0	5	Do.
13	0	5	Do.
25	8	2	Bedsteads bent.
54	0	5	Not received.

Amount of invoice	$12,260.75
Less value of articles rejected	416.50
Amount payable	11,844.25

During the consideration of the bill by your committee the following resolution was unanimously adopted:

COMMITTEE ON CLAIMS,
Friday, May 26, 1922.

Be it resolved by the Committee on Claims of the House of Representatives, That the attention of the Secretary of the Navy be called to the extravagant expenditure of the supply officer of the United States Navy mine depot, Yorktown, Va., who made various purchases of furniture for the use of said station; and it is the opinion of the committee that it should be the duty of the Secretary at least to reprimand the official who authorized such unusual expenditure; and be it further

Resolved, That we desire to call the attention of the Committee on Naval Affairs of the House of Representatives to the loose manner employed by the Navy Department in allowing such latitude to officers in making purchases for the naval service.

LUCY PARADIS.

The next business on the Private Calender was the bill (S. 2210) for the relief of Lucy Paradis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. LEATHERWOOD. Mr. Speaker, I move that this bill be laid on the table.

The SPEAKER pro tempore. The gentleman asks unanimous consent to lay the bill on the table. Is there objection?

Mr. WILLIAMSON. Will the gentleman reserve that motion?

Mr. LEATHERWOOD. I will reserve it.

Mr. WILLIAMSON. I want to say to the gentleman [Mr. LEATHERWOOD] in this connection that this bill is one which passed the Senate some time ago. Lucy Paradis, away back in 1896, had 63 brood mares and a very valuable stallion killed by a veterinarian acting under orders from the Department of Agriculture at Washington, D. C. Now, in the first place, I do not think the Department of Agriculture had any authority to direct veterinarians upon an Indian reservation to kill I. D. horses alleged to be affected with glanders or other contagious diseases. The authority of law did not exist. In the second place, she is simply asking the privilege of presenting her case to the Court of Claims upon its merits and have that court decide the question of whether or not she is entitled to recovery. It seems to me very clear that she should be allowed to prosecute her claim. She can not do it without this legislation.

The SPEAKER pro tempore. Is there objection?

Mr. LEATHERWOOD. Mr. Speaker, at the time I made the motion I understood that this matter had been disposed of in another bill, and, therefore, I ask unanimous consent to withdraw my motion to lay the bill upon the table.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Lucy Paradis for horses belonging to her and killed and destroyed upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

That a petition may be filed by the attorneys of the said Lucy Paradis in said court within six months from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney General and the Secretary of the Interior, and answer thereto shall be filed in said court within 60 days after the service of the petition.

The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the executive departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, if any, as the court shall find legally or equitably due the said Lucy Paradis.

Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment or her duly authorized and accredited attorney, shall be received in full and final settlement of the claim for said unlawful destruction of said horses.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

RENTAL OF FIRST FLOOR OF CUSTOMHOUSE, MOBILE, ALA.

The next business in order on the Private Calendar was the bill (H. R. 11731) to provide for the renting of the first floor of the customhouse at Mobile, Ala., to the Mobile Chamber of Commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to rent, under such terms and conditions and for such period as he may prescribe, to the Chamber of Commerce, Mobile, Ala., the first floor of the customhouse, situated at the corner of Royal and St. Francis Streets, in the city of Mobile, Ala., or such parts of the first floor of the above-mentioned Federal building as may be used by the said chamber of commerce.

The committee amendment was read as follows:

Page 1, line 3, strike out the words "and directed."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

MILITARY TARGET RANGE, ETC., CHANDLER, OKLA.

The next business in order on the Private Calendar was the bill (H. R. 6204) to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, under the reservation of objection, I am in doubt whether we should launch into the policy of granting public lands to municipalities or States for public parks, even with the reservation they may be subsequently used for public purposes. I do not recall an instance where we have done that in the past.

Mr. McKENZIE. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. McKENZIE. I simply wish to say to the gentleman from Wisconsin I share with him his opinion, but this is a rather peculiar case, and I would be glad if he would permit the gentleman from Oklahoma [Mr. PRINGEY] to make a statement in connection with this matter, which led the Committee on Military Affairs to give it favorable consideration.

Mr. STAFFORD. Certainly.

Mr. PRINGEY. Mr. Speaker, I am much obliged to the distinguished gentleman from Wisconsin. I just wish to say to the membership that 13 years ago our adjutant general came to our city and talked about establishing a rifle range. We were delighted at the thought of having the boys with us two or three times a year in the practice. Many of our boys belonged. We sold them the property. They required us to supply water. We expended $15,000 in the extension of our waterworks and building a macadam highway the full length of the rifle range, and about the time we had made this expenditure the practice was moved out to Fort Sill. Then coming up here, after I had prepared a bill, I secured the indorsement of the adjutant, our governor, and Mr. Weeks, and it was reported favorably by the Committee on Military Affairs.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PRINGEY. Yes.

Mr. STAFFORD. The report states, as the gentleman has just said, that the municipality expended money in the building of a macadam road? Where was that macadam road built? Was it on the rifle range or leading to it?

Mr. PRINGEY. Right on the line, extending a street occupying a part, I presume, of the rifle range.

Mr. STAFFORD. Does not the improvement redound to the benefit of the property owners on the other side of the rifle range?

Mr. PRINGEY. Well, on the other side we have a small park; but it is not a highway out into the country, because it runs up into the bluff there where we made the bluff shots, as it is called, where they shoot into the bank. It is for the exclusive benefit of the rifle range.

Mr. STAFFORD. So your contention is that the municipality has really expended money for the former benefit of the Government for which they now wish to have reimbursement by the return of this property?

Mr. PRINGEY. That is true.

Mr. STAFFORD. Mr. Speaker, I do not wish this bill to be taken as a precedent, especially in the next five weeks of my service here. Particularly in cases where the Government owns public land, as in the case of an Army post, and no longer needs it for a National Government activity I believe we should not grant those lands gratuitously to municipalities for public purposes. I can see an exceptional condition in this instance, where the municipality has expended large sums of money, which will go for naught unless the return is made. I also realize that in this case if this land were sold the proceeds would go to the Militia Bureau for expenditure for National Guard purposes. Now, if the governor of the State and the adjutant general wish to take some money from the fund which could properly be applied to the National Guard purposes and have it go to the municipality I will not press the objection. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title and fee to the military target range of Lincoln County, Okla., described in words and figures as follows, to wit: The south half of the south half of the northwest quarter of section 9, in township 14 north, of range 4 east, of the Indian meridan; except the land described as follows: Beginning at the southeast corner of said northwest quarter of section 9, running thence west 363 feet; thence north 445 feet; thence east 363 feet; thence south 445 feet to the place of beginning. Also, except the right of way of the Choctaw, Oklahoma & Western Railroad, now the Chicago, Rock Island & Pacific Railroad, being a strip of land 100 feet in width across said land, extending 50 feet on each side of the center of the roadbed or main track of said railroad company. Also, except a strip of land 16 feet wide across the south line of the northwest quarter of said section 9, extending from the west line of the right of way of the Chicago, Rock Island & Pacific Railroad to the west line of the said northwest quarter of the said section 9, said tract so conveyed containing 34.48 acres, according to the survey thereof. And the south half of the south half of the northeast quarter of section 8, in township 14, north of range 4, east of the Indian meridian, containing 40 acres, according to the Government survey thereof. And the south half of the northwest quarter of section 8, in township 14, north of range 4, east of the Indian meridian, be, and the same is hereby, granted and conveyed to the city of Chandler, Okla., to be used as a public park, subject, however, to the right of the United States to at any time reenter and occupy the same for military purposes or as an aviation field; or the same may be used for said purposes by the militia of the State of Oklahoma under such terms and regulations as may be prescribed by the Secretary of War of the United States of America.

With a committee amendment as follows:

On page 3, line 6, insert: "*Provided, however*, That in the event the said lands are not used for the purposes specified in this act, the same shall revert to the United States: *And provided further*, That said lands shall be subject to the right of the United States at any and all times and in any manner, to assume control of or use and occupy the same or any part thereof, without license, consent, or leave from said city or State for any and all military purposes, including use for a target range or aviation purposes, free from any conveyance, charges, incumbrances, or liens, made, created, permitted, or sanctioned thereon by said city or State."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER. Does the gentleman wish to amend the committee amendment?

Mr. STAFFORD. Yes. On page 3, line 7, after the word "used," insert the phrase "by the municipality."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: On page 3, line 7, after the word "used," insert the words "by the municipality."

Mr. STAFFORD. Mr. Speaker, the intention seems to be to have the use discontinued by the municipality.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ROBERT GUY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 11389) for the relief of Robert Guy Robinson.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Under the reservation of an objection, I think we should have some explanation of this bill before the objection stage has passed.

Mr. MICHENER Mr. Speaker, this bill in effect relieves this man from the statute of limitations. The act of July 12, 1921, reads in part as follows:

That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or hereafter may incur physical disability in the line of duty in time of war shall be eligible for retirement under the same conditions as now provided by law for officers of the Regular Navy who have incurred physical disability in line of duty: *Provided, however*, That application for such retirement shall be filed with the Secretary of the Navy not later than October 1, 1921.

Lieutenant Robinson did not make the application within the time allowed. He was in Michigan nursing his injuries and had no knowledge of this law. This law was approved on July 12, 1921, as I said, and the limitation became effective on October 1, 1921. As the hearings show, Lieutenant Robinson had no knowledge of the enactment of this law until he came to Washington on Armistice day, November 1, 1921. He is a young man who went through the whole service. He has a remarkable war record.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

Mr. BLACK. Is this officer now drawing any compensation under the war-risk insurance?

Mr. MICHENER. He is now drawing $39.60. He is a man who, I will say to my colleagues, was wounded 21 times. He now carries two bullets in his body. Mr. Robinson is a medal-of-honor man, having been wounded in action over Flanders front on October 13, 1918, being the flying mate of Lieut. Ralph Talbot, now deceased. He was recommended for commission by Maj. D. B. Roben, after an engagement on October 8, 1918, while attached to Pilots Pool Squadron 218, R. A. F., and was again recommended by Major Roben before his (the major's) death, but the commission never materialized.

Lieutenant Robinson enlisted in the Marine Corps May 22, 1917, at the Marine Barracks, Parris Island, S. C., and from there was transferred to Mobile Artillery Force, Ninety-second Company, Marine Barracks, Quantico, Va. From there he was sent to Curtiss Field, Miami, Fla., for flying duty and as aerial gunner. Later he was transferred to Wilbur Wright Field, Dayton, Ohio, for further instruction in gunnery and bombing. From thence transferred to Philadelphia Navy Yard; then to Hoboken, and sailed on the U. S. S. *De Kalb* for overseas service. He received the medal of honor for extraordinary heroism in the first marine aviation force at the front in France. Also received official commendation on October 12, 1918, in appreciation of his good work. Also received official commendation on December 15. Lieutenant Robinson received the following wounds while in service overseas: Left ankle; left knee; between ankle and knee; left hip; right shoulder; through abdomen, entering left side and coming out back; left forearm and elbow, removing elbow, leaving a flail joint. Eyes and lungs bad, especially left eye. Spits blood. While in the service, both the father and mother of this young man died, and in consequence he has no home and no place to go.

Lieutenant Robinson returned to the States in January, 1919, and a transfer was given him to go to the Washington Naval Hospital, where he remained until June 17, 1919, when he was commissioned and placed on the inactive list, class 5, United States Marine Corps.

Had Mr. Robinson known of the above law, under which he could have been retired, he would have applied for retirement and the Secretary of the Navy would have approved his application.

No official notice of the enactment of the law was given. He was sick and injured; he was in that condition, and all this law proposes is to say to him, "Lieutenant Robinson, you came home from the war all shot to pieces; you went back to your home in Michigan, where your mother and father had died during the war. You were in such a condition that you are not charged with the responsibility of knowing that in order to get the benefit which this Congress intended that you should have that you must have made application before October 1, 1921."

I know the sentiment of the Members of this body in matters of this kind and feel assured that a mere technicality will not prevent this deserving, patriotic lad from receiving that which is rightfully his.

Mr. BLACK. I had read the report of the very remarkable record of this officer, and the question I wanted to ask was, if the officer is retired under the provision of this bill and of the previous law, will the compensation that he draws from the Veterans' Bureau be discontinued and will he receive the retired pay of his rank?

Mr. MICHENER. I think my colleague is right in that particular. He can not draw the two compensations.

Mr. BUTLER. I will say to my friend from Texas that I am responsible for this limitation. I voted for the bill and assisted in having it passed, and then a little later I asked Congress to close the door, requiring all applications to be made within a certain time; but this case is very unusual. It is the first time in the history of our country that these officers of the reserve, as I call them, have been put on the retired list; but we considered the extraordinary services of this man.

Mr. BLACK. I do not object to this case at all.

Mr. BUTLER. He had no way of knowing of the limitation, and we thought it was only fair to let him in.

Mr. MICHENER. I will say to my colleague that this matter has been submitted to the Secretary of the Navy and meets with his approval. It has been submitted to the Director of the Budget, so that it does not interfere in any way with the plans of the Budget for the current year.

Mr. BLACK. I notice that the report states that.

Mr. GENSMAN. Did I correctly understand the gentleman to say that the Veterans' Bureau has awarded this man only $39.60 a month for all these wounds?

Mr. MICHENER. Yes.

Mr. GENSMAN. Why not more?

Mr. MICHENER. Because he was not wounded in a vital part.

Mr. GENSMAN. Is he disabled?

Mr. MICHENER. I have not gone into that part of it. I think that my colleague is very familiar with the rulings of the Veterans' Bureau in compensation cases.

Mr. GENSMAN. I am very familiar with the situation of these soldiers. The case of a man who received 21 wounds and who is getting $39.60 a month is about on a parity with many other cases which I have had in the Veterans' Bureau. I wanted to know whether other Congressmen were in the same fix that I am in. I have the case of a man wounded almost that badly who is getting $15 a month, when he ought to be rated as totally disabled.

Mr. MICHENER. If I remember rightly, Lieutenant Robinson's disability is rated at over 50 per cent.

Mr. BUTLER. I think so.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the President is authorized to appoint Robert Guy Robinson, second lieutenant, Marine Corps Reserve, inactive, a second lieutenant in the Marine Corps and to retire him and place him upon the retired list of the Marine Corps with the retired pay and allowances of that grade.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That so much of section 6 of the naval appropriation act approved July 12, 1921, as provided that the application for retirement of officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred, or who may hereafter incur, physical disability in line of duty in time of war shall be filed with the Secretary of the Navy not later than October 1, 1921, be, and hereby is, waived in the case of Second Lieut. (Provisional) Robert Guy Robinson, Marine Corps Reserve, inactive, and his case is hereby authorized to be considered and acted upon under the remaining provisions of said section if his application for retirement is filed not later than 60 days from the approval of this act."

Mr. RAKER. Mr. Speaker, is it in order to discuss this amendment?

The SPEAKER. Certainly.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD two typewritten pages.

The SPEAKER. The gentleman is recognized to discuss the amendment.

Mr. RAKER. I am going to ask unanimous consent to insert in the RECORD two typewritten pages.

Mr. SNELL. What are they?

Mr. RAKER. A statement from the soldier settlement board of Canada in relation to a question in which so many of us have been vitally interested, showing the workings of the soldier settlement act in Canada. I ask that it may be inserted in the RECORD.

Mr. SNELL. I wish the gentleman would give us a little more information as to what it is.

Mr. RAKER. It is a statement from the chairman of the soldier settlement board of Canada as to the workings of the soldier settlement act in the Dominion.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

THE SOLDIER SETTLEMENT BOARD,
OFFICE OF THE CHAIRMAN,
Ottawa, Canada, January 24, 1923.

JOHN E. RAKER, Esq., M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of January 13 to the Hon. Sir James Lougheed, former minister of the interior, asking for the last report of the Soldier Settlement Board of Canada, has been forwarded to me with a request that the information be sent you.

No parliamentary annual report has been issued since last year, and that covered the period for the previous fiscal year, which ended March 31, 1921. I assume from your letter that you have before you a copy of that report, but in case my assumption is wrong I am inclosing herewith a copy.

In addition to this, I am inclosing a typewritten statement summarizing the operations up to December 31, 1922. This will be printed shortly. I also inclose a compendium of facts as issued by the board.

If there is any further information that I can give you, I would be glad to supply it. The work of soldier settlement in Canada has produced some remarkable results. We have a mass of information on individual cases that is most interesting reading. Some of the successes achieved by ex-soldiers on the land are most inspiring.

The Canadian public generally are becoming more and more convinced that land settlement has been the most effective permanent reestablishment effort attempted in Canada.

If the American people ever contemplate a similar effort in land settlement reestablishment, I feel quite sure our mistakes and successes would be of great value to them, and in such case I would welcome any opportunity of assisting in any way I could.

Yours faithfully,

JOHN BARNETT, *Chairman.*

Statement showing operation of soldier settlement board of Canada to December 31, 1922.

Number of veterans applied for privileges of act	65,561
Number accepted as qualified to farm	46,594
Number of established settlers	28,940
Number qualified but not yet located	24,046
Number in training under supervision of board	283
Number completed training	3,779

LOANS.

Number granted loans		22,548
Amount of loans approved		$93,235,902.18
Initial payments on land purchased		$5,419,866.27
Number who have repaid loans in full		562
Total amount returned to finance department:		
For loans	$14,654,301.53	
For administration	2,119,189.15	
Total		$16,773,490.68

	Approved.	Amount.
British Columbia	3,193	$14,221,218.33
Alberta	6,607	26,974,934.85
Saskatchewan	5,628	22,729,281.89
Manitoba	3,497	15,184,883,46
Ontario	1,752	7,483,650.70
Quebec	460	2,252,600.91
New Brunswick	630	1,921,505.81
Nova Scotia	427	1,490,122.14
Prince Edward Island	354	977,704.09
Total	22,548	93,235,902.18

DISTRIBUTION OF LOANS.

To purchase land	$51,367,850.74
To remove encumbrances	2,213,436.86
For permanent improvements	11,145,270.57
For stock and equipment	28,509,344.01
Total	93,235,902.18

COLLECTIONS.

Of the amount due on loans to soldier settlers on October 1 last $1,316,983.76 has been paid (January 14, 1923)—a percentage of 43.3 per cent.

AREA OF SOLDIER LANDS.

Area of new land broken—acres	600,000
Area of land taken up by soldier settlers—do	5,437,449
Saving in purchase of land	$4,096,943.84
Number of soldier-grant entries (free lands)	9,758

STOCK AND EQUIPMENT.

Stock and equipment purchased for soldier settlers	$32,617,808.28
Saving to settlers through special arrangements with dealers	1,078,706.15

JOHN BARNETT, *Chairman.*

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ROBERT J. ASHE.

The SPEAKER. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 9316) for the relief of Robert J. Ashe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Robert J. Ashe, who was a private in Troop G, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1914: *Provided*, That no pay or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. MAGEE. I move to reconsider the vote by which the bill was passed and move to lay that motion on the table.

Mr. STAFFORD. We are going to make a general motion of that kind with respect to all these bills at the end of the day.

LIEUT. COL. JAMES M. PALMER.

The SPEAKER. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 11603) to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Lieut. Col. James M. Palmer, of the National Guard of the State of Maine, who was in the Federal service during the World War, and who was discharged from such service during said war, and who subsequent to such discharge was notified by the War Department of the revocation of the orders discharging him from the Federal service and of his restoration to his former rank and command, and to whom orders were thereafter issued by the War Department and by the departments thereof, and by his superior officers of the Army, which orders were thereafter acted upon by said James M. Palmer, shall be deemed to have been lawfully reinstated in the Federal service by such orders of revocation of discharge and of restoration to rank and command, for the purposes of the succeeding clause, and shall be entitled, from date of notification of such revocation orders, to pay, travel, and other allowances to the date of his final discharge in the same manner and to the same extent as if he had not been previously discharged.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

HERBERT E. SHENTON.

The next business on the Private Calendar was the bill (H. R. 7027) for the relief of Herbert E. Shenton.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Herbert E. Shenton, as reimbursement for expenses and inconveniences suffered by him as the direct result of personal injuries received by him on May 12, 1919, at Baltimore, Md., when he was struck by an automobile operated by the United States Army, the sum of $1,000 as full compensation for loss of earnings and incidental expenses resulting from said injury.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $462.39 to Herbert E. Shenton in full compensation against the Government for injuries sustained by an Army truck at Baltimore, Md., May 12, 1919."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

WILLIAM B. LANCASTER.

The next business on the Private Calendar was the bill (S. 472) for the relief of William B. Lancaster.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

Mr. LEATHERWOOD. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. LEATHERWOOD. Mr. Speaker, this claimant in August, 1912, was in the employ of the Government working upon what was known as the Strawberry project in the State of Utah. At the date of his injury he was employed in a crusher. In close proximity to the crusher there was a gravel elevator. From the gravel elevator the waste accumulated to such an extent on the roof of the crusher, and the overburden was so great, that it crushed the building in which Mr. Lancaster was working and severely injured him. His hip was broken, he was severely injured about his shoulders. His face was crushed by the fall of the buliding until finally before he was released from the hospital nearly all of the bone of the lower jaw was removed. Since the date of the accident he has not been able to take food except in a liquid form. He is absolutely helpless. It is a case of total disability. There is nothing ahead of him except the almshouse or the charity of the community where he now resides.

I may say that he has subsisted on charity for the last few years. For a short time after he got out of the hospital he was favored with some small jobs by the Government, but his physical condition has gradually grown worse. His mental condition is also growing worse. The photographs in possession of the committee will show how severe and horrible was the injury to his face. His disfiguration is such that he shuns the companionship of men, lives in a mere hovel, subsisting on charity. He seldom goes out from the place where he is staying except at night.

I have personally examined his case. I called upon him last October, and I have verified every statement I have made in regard to his condition.

Mr. STAFFORD. Mr. Speaker, if the facts narrated by the gentleman from Utah had been incorporated in the report, or one fraction of them had been incorporated in the report in this case, I would not have objected in the first place. He gives to the House, especially to me, some facts which are not in any way contained in the report on this case. As now stated by the gentleman from Utah upon his own personal acquaintance it brings the case within the facts of a private bill for the relief of a person in St. Louis, which was passed at the last session.

I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Lancaster, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for injuries received while employed by the Reclamation Service at the west portal, Strawberry Tunnel, Strawberry Valley project, Utah.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $40 per month, to date from the passage of this act, as compensation for injuries sustained while employed by the Reclamation Service at the west portal, Strawberry Tunnel, Strawberry Valley project, Utah, said monthly payments to be paid through the United States Employees' Compensation Commission."

The committee amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

Mr. STAFFORD. Mr. Speaker, at this hour on Saturday afternoon I make the point of order that there is no quorum present.

Mr. SNELL. Will the gentleman withhold that for a moment?

Mr. STAFFORD. I will.

Mr. SNELL. Only Mr. Speaker I move that the various votes by which the bills have been passed this afternoon be reconsidered and that motion be laid on the table.

The SPEAKER. The gentleman from New York moves that the various votes by which the bills have been passed be reconsidered and that motion lie on the table.

Mr. BANKHEAD. Mr. Speaker, is a motion of that sort en bloc in order?

The SPEAKER. The Chair will say that there is not the slightest chance of any of them being reconsidered as they were passed by unanimous consent.

Mr. BANKHEAD. I have no objection to it.

The SPEAKER. It can be done by unanimous consent, the Chair thinks. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the reply of the Sugar Equalization Board to the resolution passed by the House, which was sent up with the President's message two or three days ago and has not been printed.

Mr. SNELL. Has not that been printed?

Mr. JONES of Texas. No. The President's letter was printed, but it did not include the reply.

Mr. STAFFORD. How voluminous is it?

Mr. JONES of Texas. About a page.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The reply is as follows:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 5, 1923, No. 475, requesting the President "to transmit to the House of Representatives the facts in his possession concerning the following, if not incompatible with the public interest:

"First. What activities the United States Sugar Equalization Board, a corporation organized under the laws of the State of Delaware, is now engaged in.

"Second. What salaries, if any, are being paid by such board to its officials or employees, and what salaries have been paid during the last two years.

"Third. What other expenses are being incurred and have been incurred since December 31, 1920, by said board.

"Fourth. What money or property is now owned or controlled by such board.

"Fifth. Where such funds, if any, are now deposited and what, if any, interest has been drawn on same since December 31, 1920."

I transmit herewith a memorandum which has been sent to me by Mr. George A. Zabriskie, president of the United States Sugar Equalization Board (Inc.), giving the data requested in the said resolution.

WARREN G. HARDING.

THE WHITE HOUSE, *January 24, 1923.*

JANUARY 11, 1923.

First. The United States Equalization Board (Inc.) is engaged only in the liquidation of its affairs.

Second. (a) A salary of $170 per month is being paid E. W. Scanlon, who is in charge of records and office.

(b) Salaries paid for the two years ended December 31, 1922:

1921	$21,882.14
1922	15,866.94

Third. (a) The present expenses of the board, other than salary mentioned above, are as follows:

	Per month.
Office rent	$204.17
Telephone	6.05
Miscellaneous (estimated)	5.00

(b) the following are the expenses of the board for the two years ended December 31, 1922:

	1921	1922
Telephone, telegraph, and postage	$217.24	$86.56
Rent	2,279.45	2,450.04
Printing and stationery	62.30	15.95
Legal retainer and expenses	5,733.61	4,924.12
Auditing	900.00	450.00
Traveling expense	93.37	----------
Legal charges in connection with Norwegian Government and Federal Sugar Refining Co., suits	----------	52,210.05
Miscellaneous	1,663.17	1,612.72
Total	10,949.14	61,749.44

Fourth. The following money and property are owned and controlled by the board:

Furniture and equipment	$1,003.76
Accounts receivable	142,905.76
Cash:	
In United States Treasury	15,279,636.52
In Battery Park National Bank	161,845.52
Petty cash	100.00

Fifth. (a) The funds of the board are lodged in the following depositories:

United States Treasury	$15,279,636.52
Battery Park National Bank, New York	161,845.52

(b) The interest on bank balances and interest on investments (United States Government securities) for the two years ended December 31, 1922, are as follows:

Interest on deposits	$162,163.75
Interest on United States securities	753,054.58

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating sundry resolutions passed by the Legislature of South Dakota affecting national legislation.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by printing sundry resolutions by the Legislature of South Dakota. Is there objection?

Mr. STAFFORD. Mr. Speaker, we do not follow that practice, printing memorials of the various State legislatures. I object.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks that I made to-day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee indicated below:

S. 4346. An act granting the consent of Congress to the Delaware State highway department to construct a bridge across the Nanticoke River; to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent the following leaves of absence were granted:

To Mr. BOX, for three days on account of illness.

To Mr. FENN, for to-day on account of illness.

To Mr. REED of West Virginia, for an indefinite period on account of illness.

ADJOURNMENT.

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p. m.) the House adjourned until Monday, January 29, 1923, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co., and its successors, to construct a toll bridge across the Columbia River at or near the city of Hood River, Oreg.; with amendments (Rept. No. 1471). Referred to the House Calendar.

Mr. STEENERSON: Committee on Post Office and Post Roads. H. R. 14038. A bill to amend the laws relating to the Postal Savings System, authorizing rural routes from 36 to 75 miles in length, to encourage commercial aviation, extending the insurance and collect-on-delivery privilege to third-class matter, and prescribing the computation of overtime to employees in post offices; without amendment (Rept. No. 1472). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 13616. A bill granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; with amendments (Rept. No. 1473). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 528. An act for the relief of the widow of Rudolph H. von Ezdorf, deceased; with an amendment (Rept. No. 1470). Referred to the Committee of the Whole House.

Mr. STRONG of Kansas: Committee on War Claims. H. R. 297. A bill for the relief of Mrs. Vincenza Dimonico; with amendments (Rept. No. 1474). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREEN of Iowa: A bill (H. R. 14050) to amend the revenue act of 1921 in respect to income tax of nonresident aliens; to the Committee on Ways and Means.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota requesting the Congress and the Commissioner of Indian Affairs of the United States to grant relief to the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. YOUNG: Memorial of the Legislature of the State of North Dakota urging Congress to pass immediately such laws as will make possible the early completion of the Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: Memorial of the Legislature of the State of Texas urging Congress to grant a prayer for relief from pending disaster and destruction to the Kansas City, Mexico & Orient Railroad; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 14051) granting an increase of pension to Mary Jane Sowle; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 14052) for the relief of James F. Rowell; to the Committee on Indian Affairs.

By Mr. GIFFORD: A bill (H. R. 14053) granting a pension to David Steers, alias William Johnson; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 14054) granting a pension to Susan Ritter; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 14055) for the relief of Fred W. Stickney and H. A. Reynolds; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 14056) granting an increase of pension to John Lamson; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 14057) granting an increase of pension to Harry D. Frasier; to the Committee on Pensions.

Also, a bill (H. R. 14058) granting a pension to Martha Phillips; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14059) granting an increase of pension to Mary C. Beavers; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 14060) granting an increase of pension to Martha Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14061) granting a pension to Robert Leonard; to the Committee on Pensions.

Also, a bill (H. R. 14062) granting a pension to Sherman L. Rhea; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 14063) for the relief of certain officers of the Army of the United States; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14064) granting a pension to Elizabeth Drenning; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 14065) granting a pension to Albert B. Wilson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7069. By Mr. BARBOUR: Resolution adopted by Taft Central Labor Union, of Taft, Calif., favoring the Columbia Basin Irrigation project and the Smith-McNary bill; to the Committee on Irrigation of Arid Lands.

7070. By Mr. DEMPSEY: Petition of 298 citizens of the fortieth New York congressional district, favoring immediate aid being extended to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7071. By Mr. KELLER: Petitions signed by Phil Martin and 62 citizens, by William A. Gerber and 108 citizens, by Barbara Keller and 22 citizens, all of St. Paul, Minn., urging immediate passage of House Joint Resolution 412, proposing to extend aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7072. By Mr. KISSEL: Petition of Henry M. Goldfogle, president department of taxes and assessments of the city of New York, approving a bill passed by the Senate January 23 providing for taxation of national-bank shares and validating taxes already levied; to the Committee on Banking and Currency.

7073. Also, petition of Henry Hasenflug and 65 residents of Brooklyn, N. Y., asking that aid be extended to the people of the German and Austrian Republics; to the Commiftee on Foreign Affairs.

7074. By Mr. MacGREGOR: Petition of John F. Hylan, mayor of New York City, approving a Senate bill amending the national bank act and providing for the validation of prior taxes; to the Committee on Banking and Currency.

7075. Also, petition of Walter W. Law, jr., president Tax Commission, urging support of a Senate bill amending the national bank act; to the Committee on Banking and Currency.

7076. Also, petition of George P. Nicholson, corporation counsel of New York City, favoring a Senate bill amending the national bank act; to the Committee on Banking and Currency.

7077. Also, petition of William S. Rann, corporation counsel, Buffalo, N. Y., requesting concurrence by the House of Representatives on a Senate bill amending the national bank act; to the Committee on Banking and Currency.

7078. Also, petition of Rev. William J. Schreck and 66 citizens of Buffalo, N. Y., urging that aid be extended to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7079. Also, petition of Alfred E. Smith, governor of the State of New York, requesting that the House of Representatives pass a Senate bill amending the national bank act; to the Committee on Banking and Currency.

7080. By Mr. MAPES: Petition of Rev. F. R. Schreiber and others, of Grand Rapids, Mich., for the passage of the joint resolution extending aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7081. By Mr. NEWTON of Minnesota: Petition of Mr. W. F. O. Baumann and other residents of the city of Minneapolis, petitioning the Congress to act favorably upon joint resolution to give aid to people of Germany and Austria; to the Committee on Foreign Affairs.

7082. By Mr. SANDERS of Indiana: Petition of Reinhold Rahm and others, citizens of Terra Haute, Ind., relative to House Joint Resolution 412; to the Committee on Foreign Affairs.

7083. By Mr. THOMPSON: Petition of 66 citizens of Defiance County, Ohio, urging favorable action on House Joint Resolution 412, for the relief of the famine-stricken areas of Austria and Germany; to the Committee on Foreign Affairs.

SENATE.

SUNDAY, *January 28, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, Thou hast been our refuge and strength and a very present help in time of trouble. Thou art always accessible to those who seek Thee earnestly in the fullness of Thy grace. Thou art full of comfort to all who in their distress and sorrow turn to Thee. Grant unto us this morning the brightness of Thy countenance, and as we call to mind some who have passed from these scenes of responsibility, we pray that such lessons shall be ours that as we fulfill various forms of duty we may be following along the track of those who served their generation by Thy will.

Comfort the sorrowing, filling the vacant places, so as to lighten their darkness; and on the whole range of the outlook of the mourning ones may there be given to them a vision of the life eternal.

Hear us, Father, in the struggle. Hear us in the loneliness. Be with us constantly. And may all who are called to high responsibility realize that their duties are to be recognized as under Thine own guidance and for the best interests of the land in which we dwell. Hear and help us. For Jesus Christ's sake. Amen.

The VICE PRESIDENT. The Senate has convened for the purpose of conducting memorial exercises for PHILANDER C. KNOX, BOIES PENROSE, and WILLIAM E. CROW, former Senators from the Commonwealth of Pennsylvania. The reading of the Journal is first in order.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Tuesday, January 23, was dispensed with, and the Journal was approved.

MEMORIAL ADDRESSES ON THE LATE SENATORS KNOX, PENROSE, AND CROW.

Mr. PEPPER. Mr. President, I beg to offer the following resolutions and ask for their adoption.

The VICE PRESIDENT. The Secretary will read the resolutions.

The reading clerk (John C. Crockett) read the following resolutions (S. Res. 422), which were considered by unanimous consent and unanimously agreed to:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. PHILANDER C. KNOX, late a Senator from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The reading clerk read the following resolutions (S. Res. 423), which were considered by unanimous consent and unanimously agreed to:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. BOIES PENROSE, late a Senator from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The reading clerk read the following resolutions (S. Res. 424), which were considered by unanimous consent and unanimously agreed to:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM E. CROW, late a Senator from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.